Nos. 17-586, 17-626

In the Supreme Court of the United States

GREG ABBOTT, ET AL., APPELLANTS

v.

SHANNON PEREZ, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

JOINT APPENDIX

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Jurisdictional statements filed:
Oct. 17, 2017 (No. 17-586); October 27, 2017 (No. 17-626)
Jurisdiction postponed: January 12, 2018

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The following decision(s), opinion(s), order(s), and evidence have been omitted in printing this Joint Appendix because they appear on the following pages in the appendix to the Jurisdictional Statement in *Abbott v. Perez*, No. 17-586:

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The following decision has been omitted in printing this Joint Appendix because it appears on the following pages in the Supplemental Appendix to the Appellees' Motion to Dismiss or Affirm in *Abbott v. Perez*, No. 17-586:

FACT FINDINGS – GENERAL AND PLAN C185 (March 10, 2017) 1a

The following decision(s), opinion(s), order(s), and evidence have been omitted in printing this Joint Appendix because they appear on the following pages in the appendix to the Jurisdictional Statement in *Abbott v. Perez*, No. 17-626:

APPENDIX A—NOTICE OF APPEAL (August 28, 2017) 1a

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APPENDIX G—CONSTITUTIONAL AND STATUTORY PROVISIONS 437a

APPENDIX H—ATTORNEY GENERAL LETTERS TO 2013 LEGISLATURE 440a

The following decision has been omitted in printing this Joint Appendix because it appears on the following pages in the Supplemental Appendix to Appellee Mexican American Legislative Caucus's Motion to Dismiss or Affirm in *Abbott v. Perez*, No. 17-626:

FACT FINDINGS – PLAN H283
(April 20, 2017) 1a

The following evidence has been omitted in printing this Joint Appendix because it appears on the following pages in the Supplemental Appendix to the Motion to Dismiss or Affirm filed by Appellees Texas Latino Redistricting Task Force, et al. in *Abbott v. Perez*, No. 17-626:

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Trial Transcript, July 11, 2017 (Excerpts),
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IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, et al.,

Plaintiffs,

v.

STATE OF TEXAS, et al.,
Defendants.

CIVIL ACTION NO.
SA-11-CA-360-OLG-
JES-XR

[Lead case]

RELEVANT DOCKET ENTRIES

Date Filed	#	Docket Text
05/09/2011	1	COMPLAINT (Filing fee $ 350 receipt number 0542-3609997). No Summons requested at this time, filed by Harold Dutton, Jr, Shannon Perez. (Attachments: # 1 Civil Cover Sheet) (Richards, David) (Entered 05/09/2011)
05/09/2011		Case Directly Assigned to Judge Orlando L. Garcia. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE

		IN THIS CASE. (ga) (Entered: 05/09/2011)
05/11/2011	4	ORDER Constituting Three-Judge Court to Judge Orlando L. Garcia, Judge Jerry E. Smith and Judge Xavier Rodriguez. Signed by Judge Edith H. Jones.(ga) (Additional attachment(s) added on 7/24/2014: # 1 Exhibit Complaint) (aej). (Entered: 05/11/2011)
07/01/2011	21	Minute Entry for proceedings held before Judge Orlando L. Garcia: Status Conference held on 7/1/2011 (Minute entry documents are not available electronically.). (Court Reporter Maurice West.)(ga) (Entered: 07/05/2011)
07/06/2011	23	ORDER OF CONSOLIDATION - consolidating this case with SA11-CV-361 and SA11-CV-490. Signed by Judge Orlando L. Garcia. (rf) (Entered: 07/06/2011)
07/06/2011	24	SCHEDULING ORDER, (Amended Pleadings due by 7/19/2011., Discovery due by 8/15/2011., Motions due by 8/15/2011., Bench Trial set for 9/6/2011 9:30 AM before Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier

		Rodriguez., Pretrial Conference set for 9/2/2011 9:30 AM before Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez.). Signed by Judge Orlando L. Garcia. (rf) (Entered: 07/06/2011)
07/08/2011	25	AMENDED SCHEDULING ORDER: Amended Pleadings and Joinder of Parties due by 7/19/2011. Discovery due by 8/15/2011. Dispositive Motions due by 8/15/2011. Pretrial Conference set for 9/2/2011 9:30 AM before Judge Orlando L. Garcia. Bench Trial set for 9/6/2011 9:30 AM before Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez. Signed by Judge Orlando L. Garcia. (ga) (Entered: 07/08/2011)
07/19/2011	50	AMENDED COMPLAINT Plaintiff MALC's Second Amended Complaint against Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus amending, filed by Mexican American Legislative Caucus, Texas House of Representatives.(Garza, Jose) (Entered: 07/19/2011)

07/19/2011	51	AMENDED SCHEDULING ORDER: Amended Pleadings and Joinder of Parties due by 7/19/2011. Discovery due by 8/17/2011. Dispositive Motions due by 8/17/2011. Signed by Judge Orlando L. Garcia. Pretrial Conference set for 9/2/2011 9:30 AM before Judge Orlando L. Garcia. Bench Trial set for 9/6/2011 9:30 AM before Judge Orlando L. Garcia.(ga) (Entered: 07/19/2011)
07/19/2011	53	AMENDED COMPLAINT against Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus amending, filed by Gregory Tamez, Harold Dutton, Jr, Shannon Perez, Nancy Hall, Dorothy DeBose, Carmen Rodriguez, Sergio Salinas, Rudolfo Ortiz.(Richards, David) (Entered: 07/19/2011)
07/19/2011	54	ADVISORY TO THE COURT by Rick Perry, State of Texas, Joe Straus *on the Status of the Preclearance Process.* (Schenck, David) (Entered: 07/19/2011)
07/19/2011	55	CROSSCLAIM against Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus,

		filed by Texas Democratic Party.(Dunn, Chad) (Entered: 07/19/2011)
07/19/2011	60	MOTION to Intervene by Texas Legislative Black Caucus. (Attachments: # 1 Exhibit 1 -- Proposed Order, # 2 Exhibit 2-- Complaint)(Bledsoe, Gary) (Entered: 07/19/2011)
07/19/2011	61	MOTION to Intervene by Eddie Bernice Johnson, Sheila Jackson-Lee, Alexander Green. (Attachments: # 1 Exhibit 1-- Proposed Order, # 2 Exhibit 2-- Complaint)(Bledsoe, Gary) (Entered: 07/19/2011)
07/21/2011	63	ORDER of Consolidation - consolidating this case with SA-11-CA-361, SA-11-CA-490 and SA-11-CA-592. Signed by Judge Orlando L. Garcia. (ga) (Entered: 07/22/2011)
07/22/2011	64	MOTION Amended Motion to Intervene of the Texas State Conference of NAACP Branches, Howard Jefferson, Juanita Wallace, and Rev. Bill Lawson by Howard Jefferson, Bill Lawson, Texas State Conference of NAACP Branches, Juanita Wallace. (Attachments: # 1

		Exhibit 1--Amended Proposed Order, # 2 Exhibit 2--Amended Complaint)(Bledsoe, Gary) (Entered: 07/22/2011)
07/25/2011	68	SECOND AMENDED COMPLAINT against Hope Andrade, Rick Perry filed by Texas Latino Redistricting Task Force, Alex Jimenez, Emelda Menendez, Tomacita Olivares, Alejandro Ortiz, Joey Cardenas, Rebecca Ortiz, Jose Olivares, Armando Cortez, Socorro Ramos, Gregorio Benito Palomino, Florinda Chavez, Cynthia Valadez, Cesar Eduardo Yevenes, Sergio Coronado, Gilberto Torres, Renato De Los Santos.(tm) (Entered: 07/26/2011)
07/25/2011	69	PLAINTIFF-INTERVENORS' AMENDED COMPLAINT against Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus amending, filed by Bill Lawson, Juanita Wallace, Texas State Conference of NAACP Branches, Howard Jefferson.(tm) (Entered: 07/26/2011)
07/25/2011	70	Intervenor COMPLAINT, filed by Texas Legislative Black Caucus

		against State of Texas, Rick Perry, David Dewhurst, Joe Strauss, Hope Andrade.(tm) (Entered: 07/26/2011)
07/25/2011	71	Intervenor COMPLAINT, filed by Alexander Green, Sheila Jackson-Lee, Eddie Bernice Johnson against State of Texas, Rick Perry, David Dewhurst, Joe Strauss, Hope Andrade.(tm) (Entered: 07/26/2011)
07/26/2011	72	CONSOLIDATION AND SCHEDULING ORDER: Member case SA-11-CV-615 consolidated with LEAD CASE SA-11-CA-360. For parties in Morris claim only deadline for Rule 26(f) conference is 7/29/11 and deadline for initial disclosures and motions to amend or supplement pleadings or join additional parties is 8/1/11. All other deadlines in the current scheduling order 51, 66 shall govern. Signed by Judge Orlando L. Garcia. (tm) (Entered: 07/27/2011)
07/27/2011	75	State Defendants' ANSWER to Complaint by LULAC Plaintiff-Intervenor by David Dewhurst, Rick Perry, State of Texas, Joe

		Straus. (Schenck, David) Modified on 7/28/2011, to correct filers (rf). (Entered: 07/27/2011)
07/27/2011	76	CONSOLIDATION AND SCHEDULING ORDER - consolidating this case with SA-11-CA-635 (Amended Pleadings and Joinder of Parties due by 8/1/2011, Discovery due by 8/17/2011, Dispositive Motions due by 8/17/2011, Pretrial Conference set for 9/2/2011 9:30 AM before Judge Orlando L. Garcia, Bench Trial set for 9/6/2011 9:30 AM before Judge Orlando L. Garcia.) Signed by Judge Orlando L. Garcia. (ga) (Entered: 07/27/2011)
07/27/2011	78	AMENDED THIRD PARTY COMPLAINT against Rick Perry, State of Texase amending, filed by LULAC. (Vera, Luis) Modified on 7/28/2011, to edit text (rf). (Entered: 07/27/2011)
08/02/2011	105	FIRST AMENDED COMPLAINT against Hope Andrade, Rick Perry, filed by Lyman King, Margarita V Quesada, Jane Hamilton, Romeo Munoz, John Jenkins, Marc Veasey, Jamaal R. Smith, Debbie Allen, Sandra Puente, Kathleen

		Maria Shaw. (tm) (Entered: 08/02/2011)
08/02/2011	110	ANSWER to 50 Amended Complaint by David Dewhurst, Rick Perry, State of Texas, Joe Straus. (Schenck, David) Modified on 8/3/2011, to remove filer (rf). (Entered: 08/02/2011)
08/02/2011	111	NOTICE of Voluntary Dismissal by Texas Legislative Black Caucus (Bledsoe, Gary) (Entered: 08/02/2011)
08/08/2011	131	ANSWER to 53 Amended Complaint, Third by Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus. (Schenck, David) (Entered: 08/08/2011)
08/08/2011	132	ANSWER to 68 Amended Complaint, Second by Hope Andrade, Rick Perry. (Schenck, David) (Entered: 08/08/2011)
08/08/2011	133	ANSWER to Complaint First Amended (1:11cv451-LY-JES-OLG; Document No. 23) by Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus. (Schenck, David) (Entered: 08/08/2011)

08/10/2011	167	ANSWER to Complaint (Cross) of Texas Democratic Party and Boyd Richie by Hope Andrade, Rick Perry. (Schenck, David) (Entered: 08/10/2011)
08/11/2011	187	ORDER DENYING 127 Motion to Stay Case. Signed by Judge Orlando L. Garcia. (tm) (Entered: 08/11/2011)
08/11/2011	188	ANSWER to 78 Amended Third Party Complaint by Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus. (Schenck, David) (Entered: 08/11/2011)
08/15/2011	192	ANSWER to Complaint Amended (SA-11-CA-615-OLG-JES-XR, Doc. 7 - 6/27/2011) by Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus. (Schenck, David) (Entered: 08/15/2011)
08/15/2011	193	ANSWER to 71 Intervenor Complaint by Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus. (Schenck, David) (Entered: 08/15/2011)
08/15/2011	194	ANSWER to 69 Amended Complaint by Hope Andrade,

		David Dewhurst, Rick Perry, State of Texas, Joe Straus. (Schenck, David) (Entered: 08/15/2011)
08/15/2011	195	ANSWER to 105 Amended Complaint by Hope Andrade, Rick Perry. (Schenck, David) (Entered: 08/15/2011)
08/17/2011	209	MOTION to Dismiss for Lack of Jurisdiction and, in the Alternative, Motion for Judgment on the Pleadings by Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus. (Attachments: # 1 Proposed Order, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J) (Schenck, David). Added MOTION for Judgment on the Pleadings on 8/18/2011 (rf). (Entered: 08/17/2011)
08/17/2011	210	MOTION for Partial Summary Judgment and Supporting Memorandum of Law by Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus. (Attachments: # 1 Proposed Order, # 2 Proposed Order, # 3

		Proposed Order) (Schenck, David) (Entered: 08/17/2011)
08/22/2011	222	COMPLAINT in Intervention (Filing fee $ 350 receipt number 0542-3876435). No Summons requested at this time, filed by US Congressman Henry Cuellar. (Rios, Rolando) (Entered: 08/22/2011)
08/31/2011	275	ORDER GRANTING IN PART on the Fifteenth Amendment claims, and such claims are DISMISSED as a matter of law. The motion is otherwise DENIED, and the remaining claims shall proceed to trial 210 Motion for Partial Summary Judgment. Signed by Judge Orlando L. Garcia. (rg) (Entered: 08/31/2011)
09/02/2011	283	Minute Entry for proceedings held before Judge Orlando L. Garcia: Pretrial Conference held on 9/1/2011 (Minute entry documents are not available electronically.). (Court Reporter Karl Myers.) (tm) (Entered: 09/02/2011)
09/02/2011	285	ORDER GRANTING IN PART AND DENYING IN PART 209 Motion to Dismiss for Lack of Jurisdiction, and in the

		alternative, Motion for Judgment on the Pleadings. Signed by Judge Orlando L. Garcia. (tm) (Entered: 09/02/2011)
09/06/2011	290	ANSWER to Complaint by Rick Perry, State of Texas. (Schenck, David) (Entered: 09/06/2011)
09/06/2011	294	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Jerry E. Smith, Judge Xavier Rodriguez: Bench Trial begun on 9/6/2011 (Minute entry documents are not available electronically.), Bench Trial held on 9/6/2011 (Minute entry documents are not available electronically.). (Court Reporter Karl Myers, Chris Poage, Jerry Anderson.) (tm) (Entered: 09/07/2011)
09/07/2011	297	Minute Entry for proceedings held before Judge Orlando L. Garcia, Xavier Rodriguez, Jerry E. Smith: Bench Trial held on 9/7/2011 (Minute entry documents are not available electronically.). (Court Reporter Chris Poage, Karl Meyers, Jerry Anderson.) (tm) Modified on 9/8/2011 to add additional Judge information (tm). (Entered: 09/08/2011)

09/08/2011	299	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Xavier Rodriguez, Judge Jerry E. Smith: Bench Trial held on 9/8/2011 (Minute entry documents are not available electronically.). (Court Reporter Chris Poage, Karl Meyers, Jerry Anderson.)(tm) (Entered: 09/09/2011)
09/09/2011	301	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Jerry E. Smith, Judge Xavier Rodriguez: Bench Trial held on 9/9/2011 (Minute entry documents are not available electronically.). (Court Reporter Karl Myers, Chris Anderson.)(tm) (Entered: 09/09/2011)
09/10/2011	302	STIPULATION *OF FACTS* by Debbie Allen, Nancy Hall, Jane Hamilton, John Jenkins, Lyman King, Romeo Munoz, Sandra Puente, Margarita V Quesada, Kathleen Maria Shaw, Jamaal R. Smith, State of Texas, Marc Veasey. (Hebert, J.) (Entered: 09/10/2011)
09/10/2011	305	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Jerry E. Smith and Judge

		Xavier Rodriguez: Bench Trial held on 9/10/2011 (Minute entry documents are not available electronically.). (Court Reporter Karl Meyers, Jerry Anderson.)(tm) (Entered: 09/12/2011)
09/12/2011	309	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Jerry E. Smith, Judge Xavier Rodriguez: Bench Trial held on 9/12/2011 (Minute entry documents are not available electronically.). (Court Reporter Karl Myers, Chris Poage, Jerry Anderson.)(rf) (Entered: 09/13/2011)
09/13/2011	310	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Jerry E. Smith, Judge Xavier Rodriguez: Bench Trial held on 9/13/2011 (Minute entry documents are not available electronically.). (Court Reporter Karl Meyers, Jerry Anderson.)(tm) (Entered: 09/13/2011)
09/14/2011	311	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Jerry E. Smith, Judge Xavier Rodriguez: Bench Trial

		held on 9/14/2011 (Minute entry documents are not available electronically.). (Court Reporter Chris Poage, Karl Meyers.)(tm) (Entered: 09/14/2011)
09/15/2011	332	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Jerry E. Smith, Judge Xavier Rodriguez: Bench Trial held on 9/15/2011 (Minute entry documents are not available electronically.). (Court Reporter Chris Poage and Karl Myers.)(tm) (Entered: 09/16/2011)
09/16/2011	336	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Jerry Smith, Judge Xavier Rodriguez: Bench Trial completed on 9/16/2011 (Minute entry documents are not available electronically.) All Offers of Proof and Declarations submitted by Plaintiffs are due no later than Monday, September 19, 2011. Simultaneous trial briefs due by 6:00 p.m. on Friday, October 7, 2011. Simultaneous replies due by 6:00 p.m. on Friday, October 21, 2011. (Court Reporter Chris Poage, Karl Meyers, Jerry Anderson.)(tm) Modified judge

		information on 9/19/2011 (tm). (Entered: 09/19/2011)
09/20/2011	358	ADVISORY TO THE COURT by Mexican American Legislative Caucus, Texas House of Representatives *regarding section 5 proceedings*. (Attachments: # 1 Exhibit)(Garza, Jose) (Entered: 09/20/2011)
09/27/2011	375	MOTION for Temporary Restraining Order by Mexican American Legislative Caucus, Texas House of Representatives. (Attachments: # 1 Exhibit declaration of Joaquin G. Avila, # 2 Exhibit exhibit 1 to declaration, # 3 Exhibit exhibit 2 to declaration, # 4 Exhibit exhibit 3 to declaration, # 5 Proposed Order) (Garza, Jose) (Entered: 09/27/2011)
09/29/2011	380	ORDER ENJOINING THE IMPLEMENTATION OF VOTING CHANGES: GRANTING 375 Motion for TRO. Signed by Judge Orlando L. Garcia. (tm) (Entered: 09/29/2011)
10/04/2011	391	AMENDED ORDER implementing schedule to run simultaneously with any other deadlines in this case, with the

		goal of implementing an interim plan in the event it becomes necessary. Signed by Judge Orlando L. Garcia. (tm) (Entered: 10/04/2011)
10/07/2011	405	ADVISORY TO THE COURT by Hope Andrade, Rick Perry, State of Texas *REGARDING INTERIM REAPPORTIONMENT.* (Schenck, David) (Entered: 10/07/2011)
10/11/2011	418	ORDER regarding appointment of technical advisors to the Court. Signed by Judge Orlando L. Garcia. (rf) (Entered: 10/11/2011)
10/21/2011	455	BRIEF regarding 411 Trial Brief by Dorothy DeBose, Harold Dutton, Jr, Nancy Hall, Rudolfo Ortiz, Shannon Perez, Carmen Rodriguez, Sergio Salinas, Gregory Tamez Reply Brief. (Attachments: # 1 Exhibit) (Richards, David) (Entered: 10/21/2011)
10/21/2011	456	TRIAL BRIEF Reply to Defendants' Trial Brief 411 by Alexander Green, Sheila Jackson-Lee, Howard Jefferson, Eddie Bernice Johnson, Bill Lawson, Texas State Conference of

		NAACP Branches, Juanita Wallace. (Riggs, Allison) (Entered: 10/21/2011)
10/21/2011	457	RESPONSE to Plaintiffs' Post-Trial Briefs by Hope Andrade, Rick Perry, State of Texas. (Schenck, David) (Entered: 10/21/2011)
10/21/2011	459	BRIEF by Mexican American Legislative Caucus, Texas House of Representatives Reply to State's Post Trial Brief. (Garza, Jose) (Entered: 10/21/2011)
10/22/2011	460	RESPONSE in Opposition to 411 Trial Brief by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. (Couto, Rebecca) (Entered: 10/22/2011)
10/28/2011	475	ADVISORY TO THE COURT by OF AMERICA UNITED STATES regarding Statement of Interest Under Section 5 of the

		Voting Rights Act of 1965. (Attachments: # 1 Exhibit Memorandum of Points and Authorities in Support of its Opposition to Plaintiff's Motion for Summary Judgment, # 2 Exhibit Statement of Genuine Issues) (Sitton, Jaye) (Entered: 10/28/2011)
10/31/2011	479	Minute Entry for proceedings held before Judge Orlando L. Garcia, Jerry E. Smith, Xavier Rodriguez: Three-Judge Court Hearing held on 10/31/2011 (Minute entry documents are not available electronically.). (Court Reporter Karl Myers, Chris Poage.)(rf) (Entered: 11/01/2011)
11/03/2011	485	Minute Entry for proceedings held before Judge Orlando L. Garcia: Hearing on Interim Plans held on 11/3/2011. (Minute entry documents are not available electronically.). (Court Reporter Karl Myers, Chris Poage.)(rg) (Entered: 11/04/2011)
11/04/2011	486	ORDERED that for the 2012 elections to the Texas House of Representatives and Texas Senate a person must be a resident of the district the person seeks to

		represent from December 15, 2011 until the date of the General Election, and it is, It is further ORDERED that an incorrect precinct designation on an application for a place on the ballot shall not render the application invalid if the designation is corrected on or before December 19, 2011. An application for a place on the ballot for the office of precinct chair shall not be invalid if filed more than 90 days before the end of the filing period. ORDERED that for the 2012 elections for federal, state, county and local officers shall proceed as required under state and federal law except as provided for above. The State of Texas through the Secretary of State shall deliver an exact duplicate of this order to all election officials and county chairs, to the extent possible, within three days. The order shall also be posted by the Secretary of State on its website and the official election calendar as posted on the Secretary of State's website shall be updated to reflect the terms of this order. The political parties shall deliver this order and notice thereof to county party chairs

		without delay. Signed by Judge Orlando L. Garcia. (rg) (Entered: 11/04/2011)
11/07/2011	489	AMENDED ORDER. This amendment to the Court's Order 486 dated 11/4/11, makes only one correction to the date contained in subsection l. Signed by Judge Orlando L. Garcia. (rf) Modified on 11/7/2011, to edit text (rf). (Entered: 11/07/2011)
11/07/2011	504	ADVISORY TO THE COURT by OF AMERICA UNITED STATES Statement of Interest of the United States With Respect to Section 2 of the Voting Rights Act. (Attachments: # 1 Exhibit, # 2 Exhibit)(Sitton, Jaye) (Entered: 11/07/2011)
11/08/2011	505	ADVISORY TO THE COURT by Mexican American Legislative Caucus, Texas House of Representatives Regarding DC District Court Order Denying State's Motion for Summary Judgment. (Attachments: # 1 Exhibit)(Garza, Jose) (Entered: 11/08/2011)
11/10/2011	508	ADVISORY TO THE COURT by Hope Andrade, Rick Perry, State of Texas *TO THE COURT*

		REGARDING DEVIATION FROM EQUALIZED DISTRICT *POPULATION IN INTERIM REDISTRICTING PLANS.* (Attachments: # 1 Exhibit) (Schenck, David) (Entered: 11/10/2011)
11/23/2011	526	ORDER The parties are ordered to access the proposed plans and file any comments and/or objections by noon on Friday, 11/25/11. Signed by Judge Orlando L. Garcia. (rf) (Entered: 11/23/2011)
11/23/2011	528	ORDER regarding interim plan for the districts used to elect members in 2012 to the Texas House of Representatives. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(rf) (Entered: 11/23/2011)
11/25/2011	543	ORDER DENYING 529 Opposed MOTION to Stay Implementation of Interim House Redistricting Plan filed by Hope Andrade, State of Texas, Rick Perry.Signed by

		Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez. (mo,) (Entered: 11/25/2011)
11/26/2011	544	ORDER adopting PLAN C220 as the interim plan for the districts used to elect members in 2012 to the United States House of Representatives. Signed by Judge Orlando L. Garcia. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(mo,) (Entered: 11/26/2011)
11/27/2011	546	ORDER DENYING 545 Motion to Stay implementation of the court-drawn interim congressional redistricting plan pending appeal. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, and Judge Xavier Rodriguez. (mo,) (Entered: 11/27/2011)
11/27/2011	547	Appeal of Order entered by District Judge 528 by Hope Andrade, Rick Perry, State of Texas. No filing fee submitted (Schenck, David) (Entered: 11/27/2011)
11/29/2011	548	Amended Appeal of Order entered by District Judge 543, 546 by Hope Andrade, Rick Perry, State

		of Texas. *Amended Notice of Appeal* No filing fee submitted (Schenck, David) (Entered: 11/29/2011)
12/02/2011	549	Supplemental Opinion Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, and Judge Xavier Rodriguez. (mo,) Modified on 12/2/2011 (mo,). (Entered: 12/02/2011)
12/13/2011	556	Minute Entry for proceedings held before Judge Orlando L. Garcia: Status Conference held on 12/13/2011 (Minute entry documents are not available electronically.). (Court Reporter Karl Myers & Chris Poage.)(rf) (Entered: 12/14/2011)
12/14/2011	558	ORDER modifying the residence requirements (Miscellaneous Hearing set for 1/12/2012 10:00 AM before Judge Orlando L. Garcia.). Signed by Judge Orlando L. Garcia. Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez. (rf) (Entered: 12/14/2011)
12/16/2011	561	Letter from Supreme Court of the United States dated 12/9/11. (rf) (Entered: 12/16/2011)

12/16/2011	562	ORDER of Supreme Court of the United States re 547 Notice of Appeal filed by Hope Andrade, State of Texas, Rick Perry, 548 Notice of Appeal filed by Hope Andrade, State of Texas, Rick Perry. (rf) (Entered: 12/16/2011)
12/16/2011	563	ORDER schedule contingent upon this Court entering redistricting plans for the Texas House, Senate and Congress on or before 2/1/12. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez. (rf) Modified on 12/16/2011, to add Judges (rf). (Entered: 12/16/2011)
01/20/2012	575	Supreme Court JUDGMENT/OPINION Remanding 548 Notice of Appeal, 547 Notice of Appeal. (rf) (Entered: 01/20/2012)
01/24/2012	586	MOTION to Intervene by Joe Barton. (rf) (Entered: 01/24/2012)
01/24/2012		Text Order GRANTING 586 Motion to Intervene entered by Judge Orlando L. Garcia. (This is a text-only entry generated by the court. There is no document

		associated with this entry.) (jp) (Entered: 01/24/2012)
01/25/2012	589	MOTION to Intervene by Francisco Canseco. (Attachments: # 1 Proposed Order)(kh,) (Entered: 01/25/2012)
01/25/2012		Text Order GRANTING 589 Motion to Intervene by Congressman Francisco Canseco entered by Judge Orlando L. Garcia. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jp) (Entered: 01/25/2012)
01/27/2012	591	ADVISORY TO THE COURT by United States of America *Statement of Interest of the United States with Respect to the Redrawing of Interim Maps on the Basis of Probable Violations of Section 5 of the Voting Rights Act.* (Sitton, Jaye) (Entered: 01/27/2012)
01/27/2012	592	ADVISORY TO THE COURT by United States of America *Statement of Interest of the United States under the Uniformed and Overseas Citizens Absentee Voting Act.* (Sitton, Jaye) (Entered: 01/27/2012)

01/28/2012	593	ORDER notifying parties of February 6th, 2012 deadline for submission of an agreed-upon interim map for the Court's consideration. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez. (mo,) (Entered: 01/28/2012)
01/27/2012	594	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Jerry E. Smith, Judge Xavier Rodriguez: Status Conference held on 1/27/2012 (Minute entry documents are not available electronically.). (Court Reporter Karl Meyers/ Chris Poage.)(tm) (Entered: 01/30/2012)
02/02/2012	597	ADVISORY TO THE COURT by Debbie Allen, Nancy Hall, Jane Hamilton, John Jenkins, Lyman King, Romeo Munoz, Sandra Puente, Margarita V Quesada, Kathleen Maria Shaw, Jamaal R. Smith, Marc Veasey *of Filing Trial Transcripts from Texas v. U.S. (D.D.C.)*. (Attachments: # 1 Exhibit Trial Transcript 1.17am, # 2 Exhibit Trial Transcript 1.17pm, # 3 Exhibit Trial Transcript 1.18am,

		# 4 Exhibit Trial Transcript 1.19am, # 5 Exhibit Trial Transcript 1.19pm, # 6 Exhibit Trial Transcript 1.20am, # 7 Exhibit Trial Transcript 1.20pm, # 8 Exhibit Trial Transcript 1.23am, # 9 Exhibit Trial Transcript 1.23pm, # 10 Exhibit Trial Transcript 1.24am, # 11 Exhibit Trial Transcript 1.24pm, # 12 Exhibit Trial Transcript 1.25am, # 13 Exhibit Trial Transcript 1.25pm, # 14 Exhibit Trial Transcript 1.26am, # 15 Exhibit Closing argument transcript 1.31am, # 16 Exhibit Closing argument 1.31 pm)(Hebert, J.) (Entered: 02/02/2012)
02/02/2012	598	ORDERED that in addition to the issues the parties have already beenordered to address in briefs or written advisories, the parties shall submit briefs and proposed findings of fact and conclusions law that the Court may utilize in preparing interim redistricting plans no later than 6:00 p.m. on February 10, 2012. Further ORDERED that oral argument on all issues relating to interim plans is set for 2/15/2012 08:00 AM which

		will include a status conference. Signed by Judge Orlando L. Garcia. (tm) (Entered: 02/02/2012)
02/02/2012	599	ADVISORY TO THE COURT by Debbie Allen, Nancy Hall, Jane Hamilton, John Jenkins, Lyman King, Romeo Munoz, Sandra Puente, Margarita V Quesada, Kathleen Maria Shaw, Jamaal R. Smith, Marc Veasey *Supplemental Advisory Regarding Filing of Trial Transcript.* (Attachments: # 1 Exhibit Trial Transcript 1/19 a.m. session)(Hebert, J.) (Entered: 02/02/2012)
02/03/2012	601	ADVISORY TO THE COURT by Dorothy DeBose, Nancy Hall, Rudolfo Ortiz, Shannon Perez, Carmen Rodriguez, Sergio Salinas, Gregory Tamez *Regarding Interim Plans.* (Richards, David) (Entered: 02/03/2012)
02/03/2012	602	Complaint in Intervention filed by Congressman Joe Barton's against State of Texas by Joe Barton (Trainor, James) Modified on 2/3/2012 to edit docket text (tm). (Entered: 02/03/2012)
02/06/2012	603	ADVISORY TO THE COURT by Debbie Allen, Eliza Alvarado,

		Nina Jo Baker, City of Austin, Bruce Elfant, David Gonzalez, Alexander Green, Nancy Hall, Jane Hamilton, Sheila Jackson-Lee, Howard Jefferson, John Jenkins, Eddie Bernice Johnson, Lyman King, LULAC, Bill Lawson, Betty F Lopez, Josey Martinez, Romeo Munoz, Balakumar Pandian, Sandra Puente, Margarita V Quesada, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Texas State Conference of NAACP Branches, Travis County, Juanita Valdez-Cox, Marc Veasey, Juanita Wallace, Milton Gerard Washington. (Hicks, Max) (Entered: 02/06/2012)
02/06/2012	604	ORDER: The parties should continue their negotiations to the extent possible, but all deadlines remain in place unless or until the Court is notified that an agreement has been reached. Signed by Judge Orlando L. Garcia. (tm) (Entered: 02/06/2012)
02/06/2012	605	ADVISORY TO THE COURT by Hope Andrade, Rick Perry, State of Texas *Regarding Interim*

		Redistricting Plans. (Mattax, David) (Entered: 02/06/2012)
02/06/2012	606	ADVISORY TO THE COURT by Texas Latino Redistricting Task Force *Regarding New Proposed Plans and Identification of Issues.* (Lyznik, Karolina) (Entered: 02/06/2012)
02/06/2012	607	NOTICE *advisory on status of interim plan* by Mexican American Legislative Caucus, Texas House of Representatives (Garza, Jose) (Entered: 02/06/2012)
02/07/2012	609	ADVISORY TO THE COURT by Joe Barton *Corrected.* (Attachments: # 1 Exhibit A)(Nixon, Joseph) (Entered: 02/07/2012)
02/07/2012	610	ADVISORY TO THE COURT by US Congressman Henry Cuellar *Advisory on Congressional Plan C 226.* (Rios, Rolando) (Entered: 02/07/2012)
02/08/2012	611	ADVISORY TO THE COURT by Hope Andrade, Rick Perry, State of Texas *Correcting Previous Advisory Regarding Interim Redistricting Plans.* (Frederick, Matthew) (Entered: 02/08/2012)

02/08/2012	612	ORDER, (Status Conference reset for 2/14/2012 09:00 AM.). Signed by Judge Orlando L. Garcia. (tm) (Entered: 02/09/2012)
02/09/2012	613	ADVISORY TO THE COURT by US Congressman Henry Cuellar *Supplement Advisory on Interim Plan.* (Rios, Rolando) (Entered: 02/09/2012)
02/09/2012	614	ADVISORY TO THE COURT by Dorothy DeBose, Nancy Hall, Rudolfo Ortiz, Shannon Perez, Carmen Rodriguez, Sergio Salinas, Gregory Tamez *Regarding Purported Settlement.* (Richards, David) (Entered: 02/09/2012)
02/09/2012	615	NOTICE of Filing *Exhibit List from Texas v. US* by United States of America (Attachments: # 1 Amended Exhibit List)(Sitton, Jaye) (Entered: 02/09/2012)
02/10/2012		Received disc containing the final amended exhibit list, compiled jointly for the defendant and defendant-intervenors by the United States. (See dkt no. 615). ***Only one disc received therefore it was forwarded to courtroom deputy for keeping. (tm) (Entered: 02/10/2012)

02/10/2012	616	ORDER re: Hearing set for 2/14/12. Signed by Judge Orlando L. Garcia. (rf) (Entered: 02/10/2012)
02/10/2012	617	Proposed Findings of Fact by Dorothy DeBose, Nancy Hall, Rudolfo Ortiz, Shannon Perez, Carmen Rodriguez, Sergio Salinas, Gregory Tamez. (Attachments: # 1 Exhibit)(Richards, David) (Entered: 02/10/2012)
02/10/2012	618	Proposed Findings of Fact by Dorothy DeBose, Nancy Hall, Rudolfo Ortiz, Shannon Perez, Carmen Rodriguez, Sergio Salinas, Gregory Tamez *Proposed Conclusions of Law*. (Richards, David) (Entered: 02/10/2012)
02/10/2012	619	TRIAL BRIEF *Regarding Interim Plans* by Dorothy DeBose, Nancy Hall, Rudolfo Ortiz, Shannon Perez, Carmen Rodriguez, Sergio Salinas, Gregory Tamez. (Richards, David) (Entered: 02/10/2012)
02/10/2012	620	Proposed Findings of Fact by Mexican American Legislative Caucus, Texas House of Representatives. (Garza, Jose) (Entered: 02/10/2012)

02/10/2012	621	BRIEF by Joe Barton *on Interim Congressional Plan.* (Trainor, James) (Entered: 02/10/2012)
02/10/2012	622	TRIAL BRIEF *interim plan issues* by Mexican American Legislative Caucus, Texas House of Representatives. (Garza, Jose) (Entered: 02/10/2012)
02/10/2012	623	TRIAL BRIEF by Debbie Allen, Eliza Alvarado, Nina Jo Baker, City of Austin, Bruce Elfant, David Gonzalez, Alexander Green, Nancy Hall, Jane Hamilton, Sheila Jackson-Lee, Howard Jefferson, John Jenkins, Eddie Bernice Johnson, Lyman King, LULAC, Bill Lawson, Betty F Lopez, Josey Martinez, Romeo Munoz, Balakumar Pandian, Sandra Puente, Margarita V Quesada, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Texas Legislative Black Caucus, Texas State Conference of NAACP Branches, Travis County, Juanita Valdez-Cox, Marc Veasey, Juanita Wallace, Milton Gerard Washington. (Hicks, Max) (Entered: 02/10/2012)

02/10/2012	624	Proposed Findings of Fact by Eliza Alvarado, Nina Jo Baker, City of Austin, Bruce Elfant, David Gonzalez, LULAC, Betty F Lopez, Josey Martinez, Balakumar Pandian, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Lionor Sorola-Pohlman, Travis County, Juanita Valdez-Cox, Milton Gerard Washington. (Hicks, Max) (Entered: 02/10/2012)
02/10/2012	625	TRIAL BRIEF *on Interim Maps* by Howard Jefferson, Bill Lawson, Texas State Conference of NAACP Branches, Juanita Wallace. (Notzon, Robert) (Entered: 02/10/2012)
02/10/2012	627	Proposed Findings of Fact by Hope Andrade, Rick Perry, State of Texas. (Frederick, Matthew) (Entered: 02/10/2012)
02/10/2012	629	TRIAL BRIEF *on interim congressional plan CORRECTED* by Francisco Canseco. (Gober, Christopher) (Entered: 02/10/2012)
02/10/2012	630	NOTICE *of Statement of Interest* by United States of America (Attachments: # 1 Exhibit US Post-Trial Br.,

		# 2 Exhibit US Proposed Findings, # 3 Exhibit Jan. 31 Transcript, # 4 Exhibit Jan. 25 Transcript, # 5Exhibit Request for Judicial Notice)(Freeman, Daniel) (Entered: 02/10/2012)
02/10/2012	631	BRIEF by Hope Andrade, Rick Perry, State of Texas *on Issues Relating to Interim Redistricting Plans.* (Mattax, David) (Entered: 02/10/2012)
02/10/2012	632	MOTION for Leave to File Amicus Brief */to Participate as Amicus Curiae* by United States of America. (Attachments: # 1 Proposed Order)(Freeman, Daniel) (Entered: 02/10/2012)
02/10/2012	634	Proposed Findings of Fact by Texas Latino Redistricting Task Force *and Conclusions of Law.* (Lyznik, Karolina) (Entered: 02/10/2012)
02/10/2012	635	Proposed Findings of Fact by Alexander Green, Sheila Jackson-Lee, Howard Jefferson, Eddie Bernice Johnson, Bill Lawson, Texas Legislative Black Caucus, Texas State Conference of NAACP Branches, Juanita Wallace *Re: Interim Maps.*

		(Notzon, Robert) (Entered: 02/10/2012)
02/10/2012	636	ADVISORY TO THE COURT by Alexander Green, Sheila Jackson-Lee, Howard Jefferson, Eddie Bernice Johnson, Bill Lawson, Texas Legislative Black Caucus, Texas State Conference of NAACP Branches, Juanita Wallace *2nd CORRECTED re: Interim maps.* (Attachments: # 1 Exhibit proposed map, # 2 Exhibit proposed map, # 3 Exhibit proposed map, # 4 Exhibit proposed map, # 5 Exhibit change description, # 6 Exhibit change description, # 7 Exhibit proposed map pic, # 8 Exhibit proposed map pic, # 9 Exhibit proposed map pic, # 10 Exhibit proposed map pic)(Notzon, Robert) (Entered: 02/10/2012)
02/10/2012	637	Proposed Findings of Fact by Joey Cardenas, Florinda Chavez, City of Austin, Sergio Coronado, Armando Cortez, Renato De Los Santos, Dorothy DeBose, Nancy Hall, Emelda Menendez, Mexican American Legislative Caucus, Texas House of Representatives, Jose Olivares, Tomacita Olivares,

		Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Shannon Perez, Margarita V Quesada, Socorro Ramos, Carmen Rodriguez, Eddie Rodriguez, Sergio Salinas, Texas Latino Redistricting Task Force, Gilberto Torres, Travis County, Cynthia Valadez, Cesar Eduardo Yevenes. (Attachments: # 1Exhibit 1 - Consents)(Perales, Nina) (Entered: 02/10/2012)
02/10/2012	638	BRIEF by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. (Attachments: # 1 Exhibit Index to Appendix, # 2 Exhibit A, # 3Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O,

		# 17 Exhibit P1, # 18 Exhibit P2, # 19 Exhibit P3, # 20 Exhibit P4, # 21 Exhibit P5, # 22 Exhibit P6, # 23 Exhibit P7, # 24 Exhibit P8, # 25 Exhibit P9, # 26 Exhibit P10, # 27 Exhibit P11, # 28 Exhibit P12, # 29 Exhibit P13, # 30 Exhibit Q1, # 31 Exhibit Q2, # 32 Exhibit Q3, # 33 Exhibit Q4, # 34 Exhibit Q5, # 35 Exhibit Q6, # 36 Exhibit Q7, # 37 Exhibit Q8, # 38 Exhibit Q9, # 39 Exhibit R, # 40 Exhibit S)(Perales, Nina) (Entered: 02/10/2012)
02/12/2012	640	ADVISORY TO THE COURT by Debbie Allen, Eliza Alvarado, Nina Jo Baker, City of Austin, Bruce Elfant, David Gonzalez, Jane Hamilton, John Jenkins, Lyman King, Betty F Lopez, Josey Martinez, Romeo Munoz, Balakumar Pandian, Sandra Puente, Margarita V Quesada, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Travis County, Juanita Valdez-Cox, Marc Veasey, Milton Gerard Washington *Joint Advisory*. (Hebert, J.) (Entered: 02/12/2012)

02/13/2012	641	ORDER re 630 Statement of Interest regarding interim maps filed by United States of America. A representative of the Department of Justice is invited, but is not required, to participate in the hearings to be held in this case onFebruary 14 and 15, 2012. Plaintiff MALC's lead attorney, Jose Garza, is requested to forward this invitation as soon as possible to the appropriate DOJ attorney. Signed by Judge Orlando L. Garcia. (tm) (Entered: 02/13/2012)
02/13/2012	642	ADVISORY TO THE COURT by US Congressman Henry Cuellar *Second Advisory on Interim Plan*. (Rios, Rolando) (Entered: 02/13/2012)
02/13/2012	643	TRIAL BRIEF *Reply* by Dorothy DeBose, Nancy Hall, Rudolfo Ortiz, Shannon Perez, Carmen Rodriguez, Sergio Salinas, Gregory Tamez. (Attachments: # 1 Exhibit A)(Richards, David) (Entered: 02/13/2012)
02/13/2012	644	BRIEF by Debbie Allen, Eliza Alvarado, Nina Jo Baker, City of Austin, Bruce Elfant, David Gonzalez, Alexander Green, Nancy

		Hall, Jane Hamilton, Sheila Jackson-Lee, Howard Jefferson, John Jenkins, Eddie Bernice Johnson, Lyman King, LULAC, Bill Lawson, Betty F Lopez, Josey Martinez, Romeo Munoz, Balakumar Pandian, Sandra Puente, Margarita V Quesada, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Texas State Conference of NAACP Branches, Travis County, Juanita Valdez-Cox, Marc Veasey, Juanita Wallace, Milton Gerard Washington. (Hicks, Max) (Entered: 02/13/2012)
02/13/2012	645	RESPONSE *Brief on Issues Relating to Interim Redistricting Plans* by Hope Andrade, Rick Perry, State of Texas. (Mattax, David) (Entered: 02/13/2012)
02/13/2012	646	ADVISORY TO THE COURT by Hope Andrade, Rick Perry, State of Texas *Regarding Interim Maps*. (Mattax, David) (Entered: 02/13/2012)
02/13/2012	647	ADVISORY TO THE COURT by Alexander Green, Sheila Jackson-Lee, Howard Jefferson, Eddie

		Bernice Johnson, Bill Lawson, Texas State Conference of NAACP Branches, Juanita Wallace *re State's proposed C226.* (Attachments: # 1 Exhibit)(Notzon, Robert) (Entered: 02/13/2012)
02/14/2012	652	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Xavier Rodriguez, Judge Jerry E. Smith: Status Conference held on 2/14/2012 (Minute entry documents are not available electronically.). (Court Reporter Karl Myers, Chris Poage.)(tm) (Entered: 02/15/2012)
02/15/2012	655	Minute Entry for proceedings held before Judge Orlando L. Garcia, Judge Xavier Rodriguez, Judge Jerry E. Smith: Status Conference held on 2/15/2012 (Minute entry documents are not available electronically.). (Court Reporter Karl Myers, Chris Poage.)(tm) (Entered: 02/16/2012)
02/16/2012	657	BRIEF by Joe Barton *on Creation of CD 33 in Plan C226.* (Trainor, James) (Entered: 02/16/2012)
02/16/2012	658	TRIAL BRIEF *Post Hearing Brief* by Dorothy DeBose, Nancy

		Hall, Rudolfo Ortiz, Shannon Perez, Carmen Rodriguez, Gregory Tamez. (Richards, David) (Entered: 02/16/2012)
02/16/2012	659	ADVISORY TO THE COURT by Debbie Allen, Eliza Alvarado, Nina Jo Baker, City of Austin, Bruce Elfant, David Gonzalez, Alexander Green, Nancy Hall, Jane Hamilton, Sheila Jackson-Lee, Howard Jefferson, John Jenkins, Eddie Bernice Johnson, Lyman King, LULAC, Bill Lawson, Betty F Lopez, Josey Martinez, Romeo Munoz, Balakumar Pandian, Sandra Puente, Margarita V Quesada, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Texas Legislative Black Caucus, Texas State Conference of NAACP Branches, Travis County, Juanita Valdez-Cox, Marc Veasey, Juanita Wallace, Milton Gerard Washington. (Hicks, Max) (Entered: 02/16/2012)
02/16/2012	660	ADVISORY TO THE COURT by Hope Andrade, Rick Perry, State of Texas *Joint Advisory Regarding Interim Congressional*

		Districts. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Mattax, David) (Entered: 02/16/2012)
02/17/2012	663	ORDER the parties who support proposed plan H303 shall fle briefs by 2/21/12 at 2:00 pm. Signed by Judge Orlando L. Garcia. (rf) (Entered: 02/17/2012)
02/20/2012	664	ADVISORY TO THE COURT by Debbie Allen, Jane Hamilton, John Jenkins, Lyman King, Romeo Munoz, Sandra Puente, Margarita V Quesada, Kathleen Maria Shaw, Jamaal R. Smith, Marc Veasey *Regarding Quesada Plan C234*. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit)(Hebert, J.) (Entered: 02/20/2012)
02/20/2012	665	TRIAL BRIEF *post hearing brief* by Mexican American Legislative Caucus, Texas House of Representatives. (Garza, Jose) (Entered: 02/20/2012)
02/21/2012	666	ORDER Planitiff MALC (and any other interested Plaintiff) and the State of Texas shall submit

		briefing no later than noon Wednesday, February 22, 2012, on the issue of whether CD23 in Plan C226 is returned by benchmark performance. Signed by Judge Orlando L. Garcia. (rf) (Entered: 02/21/2012)
02/21/2012	667	RESPONSE *to February 17, 2012 Order* by Dorothy DeBose, Nancy Hall, Rudolfo Ortiz, Shannon Perez, Carmen Rodriguez, Sergio Salinas, Gregory Tamez. (Richards, David) (Entered: 02/21/2012)
02/21/2012	668	ADVISORY TO THE COURT by Hope Andrade, Rick Perry, State of Texas *Joint Advisory by State Defendants and Plaintiffs Texas Latino Redistricting Task Force, et al. Regarding Interim House Districts*. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Mattax, David) (Entered: 02/21/2012)
02/21/2012	669	NOTICE of Filing Two DVDs – Trial Exhibit List and Trial Exhibits *in Texas v. United States* by Hope Andrade, Rick

		Perry, State of Texas (Mattax, David) (Entered: 02/21/2012)
02/21/2012	670	ADVISORY TO THE COURT by Mexican American Legislative Caucus, Texas House of Representatives *on plan H303 as per court order of Feb. 17.* (Garza, Jose) (Entered: 02/21/2012)
02/22/2012	671	ADVISORY TO THE COURT by Mexican American Legislative Caucus, Texas House of Representatives *on C226, CD 23.* (Garza, Jose) (Entered: 02/22/2012)
02/22/2012	672	ADVISORY TO THE COURT by Debbie Allen, Eliza Alvarado, Nina Jo Baker, City of Austin, Bruce Elfant, David Gonzalez, Alexander Green, Nancy Hall, Jane Hamilton, Sheila Jackson-Lee, Howard Jefferson, John Jenkins, Eddie Bernice Johnson, Lyman King, LULAC, Bill Lawson, Betty F Lopez, Josey Martinez, Romeo Munoz, Balakumar Pandian, Sandra Puente, Margarita V Quesada, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman,

		Texas State Conference of NAACP Branches, Travis County, Juanita Valdez-Cox, Marc Veasey, Juanita Wallace, Milton Gerard Washington. (Attachments: # 1 Affidavit)(Hicks, Max) (Entered: 02/22/2012)
02/22/2012	673	ADVISORY TO THE COURT by LULAC *Response to Court's Order of 2/21/2012 re CD23 in Plan 226.* (Attachments: # 1 Memo in Support)(Vera, Luis) (Entered: 02/22/2012)
02/22/2012	674	ADVISORY TO THE COURT by Alexander Green, Sheila Jackson-Lee, Eddie Bernice Johnson. (Attachments: # 1 Exhibit A)(Bledsoe, Gary) (Entered: 02/22/2012)
02/22/2012	675	ADVISORY TO THE COURT by State of Texas *REGARDING CONGRESSIONAL DISTRICT 23 IN PLAN C226.* (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Mattax, David) (Entered: 02/22/2012)
02/22/2012	676	ADVISORY TO THE COURT by Francisco Canseco *brief on CD23 and Plan C226.* (Gober, Christopher) (Entered: 02/22/2012)

02/22/2012	677	ADVISORY TO THE COURT by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, US Congressman Henry Cuellar, Cyn'thia Valadez, Cesar Eduardo Yevenes *regarding CD23 in C226.* (Couto, Rebecca) (Entered: 02/22/2012)
02/22/2012	678	ADVISORY TO THE COURT by Dorothy DeBose, Nancy Hall, Rudolfo Ortiz, Shannon Perez, Carmen Rodriguez, Sergio Salinas, Gregory Tamez *Regarding State Defendants' Advisory on House Redistricting.* (Richards, David) (Entered: 02/22/2012)
02/22/2012	679	ADVISORY TO THE COURT by Howard Jefferson, LULAC, Bill Lawson, Texas State Conference of NAACP Branches, Juanita Wallace *Jointly filed re: H303 and H283.* (Notzon, Robert) (Entered: 02/22/2012)

02/23/2012	680	ADVISORY TO THE COURT by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Mexican American Legislative Caucus, Texas House of Representatives, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, US Congressman Henry Cuellar, Cynthia Valadez, Cesar Eduardo Yevenes *regarding Quesada Plan C234*. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5)(Couto, Rebecca) (Entered: 02/23/2012)
02/28/2012	681	ORDER - The court adopts PLAN C235 as the interim plan for the districts used to elect representatives in 2012 to the United States House of Representatives. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez. (Attachments: # 1 Exhibit A, # 2 Exhibit B,

		# 3 Exhibit C)(mo,) (Entered: 02/28/2012)
02/28/2012	682	ORDER - The court adopts PLAN H309 as the interim plan for the districts used to elect representatives in 2012 to the Texas House of Representatives. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, and Judge Xavier Rodriguez. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(mo,) (Entered: 02/28/2012)
02/28/2012	683	ORDER granting relief as set forth herein in order to provide the Court time to enter necessary orders adopting interim plans for the United States House of Representatives, the Texas House of Representatives and the Texas State Senate. Therefore, it is ORDERED that the 2012 political convention process shall proceed as required under state and federal law except as provided for above. The State of Texas through the Secretary of State shall deliver an exact duplicate of this order to all election officials and county chairs, to the extent possible, within three days. The order shall

		also be posted by the Secretary of State on its website and the official election calendar as posted on the Secretary of State's website shall be updated to reflect the terms of this order. Signed by Judge Orlando L. Garcia. (kh,) (Entered: 02/28/2012)
03/01/2012	685	ORDER: The Court has entered redistricting plans for the 2012 elections for the United States House of Representatives, the Texas House of Representatives and the Texas State Senate. It is necessary to make certain adjustments to the election schedule and other provisions of the Texas Election Code for the 2012 elections. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez. (tm) (Entered: 03/01/2012)
03/19/2012	689	AMENDED ORDER REGARDING ELECTION DEADLINES. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith and Judge Xavier Rodriguez. (mo,) Modified on 3/19/2012 (mo,). (Entered: 03/19/2012)

03/19/2012	690	OPINION AND ORDER REGARDING PLAN H309 AS THE INTERIM PLAN FOR THE DISTRICTS TO BE USED TO ELECT MEMBERS IN 2012 TO THE TEXAS HOUSE OF REPRESENTATIVES. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith and Judge Xavier Rodriguez. (mo,) (Entered: 03/19/2012)
03/19/2012	691	OPINION AND ORDER REGARDING PLAN C235 AS THE INTERIM PLAN FOR THE DISTRICTS USED TO ELECT MEMBERS IN 2012 TO THE UNITED STATES HOUSE OF REPRESENTATIVES. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith and Judge Xavier Rodriguez. (mo,) (Entered: 03/19/2012)
08/29/2012	708	MOTION to Expedite by LULAC. (Vera, Luis) (Entered: 08/29/2012)
08/30/2012	710	ORDER GRANTING 708 Motion to Expedite. The panel will conduct a hearing at 1:30 p.m. on Friday, August 31, 2012 in Courtroom 2. Any party objecting to this conference or the time and

		date shall file an objection by 2:30 today. Signed by Judge Orlando L. Garcia. (kh,) (Entered: 08/30/2012)
08/31/2012	713	Minute Entry for proceedings held before Judge Orlando L. Garcia: Status Conference held on 8/31/2012 (Minute entry documents are not available electronically.). (Court Reporter Maurice West.)(tr1) (Entered: 08/31/2012)
09/05/2012	716	MOTION to Stay *Implementation of Interim Congressional Redistricting Plan C235* by LULAC. (Attachments: # 1 Proposed Order)(Vera, Luis) (Entered: 09/05/2012)
09/07/2012	717	Transcript filed of Proceedings held on 8/31/12, Proceedings Transcribed: Status Conference. Court Reporter/Transcriber: Maurice D. West, Telephone number: (210) 472-6574. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction

		Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 9/28/2012. Redacted Transcript Deadline set for 10/9/2012. Release of Transcript Restriction set for 12/6/2012. (aej) (Entered: 09/07/2012)
09/07/2012	718	ORDER DENYING 716 Motion to Stay Implementation of Interim Congressional Redistricting Plan C235 filed by LULAC Plaintiff-Intervenor. Signed by Judge Orlando L. Garcia, Judge Jerry E. Smith, Judge Xavier Rodriguez. (tr1) (Entered: 09/07/2012)
09/19/2012	720	ORDER administratively staying case until October 15, 2012. Signed by Judge Orlando L. Garcia, Judge Jerry E. Smith, Judge Xavier Rodriguez. (tr1) (Entered: 09/19/2012)
09/19/2012		Case Stayed until October 15, 2012 (tr1) (Entered: 09/19/2012)
09/21/2012	721	ORDER extending deadline for filing written advisories on how

		the Court should proceed after the November 2012 elections to 12/3/12. Signed by Judge Orlando L. Garcia, Judge Jerry E. Smith, Judge Xavier Rodriguez. (tr1) (Entered: 09/21/2012)
10/03/2012	722	ORDER of Supreme Court DENYING application for stay. (filed in Supreme Court on 9/19/12)(rf) (Entered: 10/03/2012)
10/15/2012		Case No Longer Stayed (rf) (Entered: 10/15/2012)
11/14/2012	723	ORDER instructing parties to include in their advisory due December 3, 2012, a statement of whether this court should place this case in an administrative stay pending a decision from the Supreme Court on the § 5 issue. Signed by Judge Xavier Rodriguez. (tr1) (Entered: 11/14/2012)
12/03/2012	724	ADVISORY TO THE COURT by Eliza Alvarado, Nina Jo Baker, City of Austin, Bruce Elfant, David Gonzalez, Betty F Lopez, Josey Martinez, Balakumar Pandian, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Lionor Sorola-Pohlman, Travis County, Juanita

		Valdez-Cox, Milton Gerard Washington. (Hicks, Max) (Entered: 12/03/2012)
12/03/2012	728	ADVISORY TO THE COURT by Hope Andrade, Rick Perry, State of Texas. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D, # 5 Exhibit Exhibit E)(Mattax, David) (Entered: 12/03/2012)
03/22/2013	736	ADVISORY TO THE COURT by State of Texas. (Mattax, David) (Entered: 03/22/2013)
03/22/2013	738	ADVISORY TO THE COURT by City of Austin, Alexander Green, Sheila Jackson-Lee, Eddie Bernice Johnson, LULAC, Margarita V Quesada, Carmen Rodriguez, Eddie Rodriguez, Lionor Sorola-Pohlman, Texas State Conference of NAACP Branches, Marc Veasey, Juanita Wallace, Milton Gerard Washington. (Vera, Luis) (Entered: 03/22/2013)
03/22/2013	739	ADVISORY TO THE COURT by Debbie Allen, Eliza Alvarado, Nina Jo Baker, City of Austin, Dorothy DeBose, Bruce Elfant, David Gonzalez, Alexander Green, Nancy Hall, Jane Hamilton, Sheila

		Jackson-Lee, Howard Jefferson, John Jenkins, Eddie Bernice Johnson, Lyman King, LULAC, Bill Lawson, Betty F Lopez, Josey Martinez, Romeo Munoz, Rudolfo Ortiz, Balakumar Pandian, Shannon Perez, Sandra Puente, Margarita V Quesada, Carmen Rodriguez, Eddie Rodriguez, Sergio Salinas, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Gregory Tamez, Texas State Conference of NAACP Branches, Travis County, Juanita Valdez-Cox, Marc Veasey, Juanita Wallace, Milton Gerard Washington. (Vera, Luis) (Entered: 03/22/2013)
04/05/2013	745	RESPONSE *to Advisories filed March 22, 2013* to 739 Advisory to the Court, by Rick Perry, State of Texas, John Steen. (Mattax, David) (Entered: 04/05/2013)
05/29/2013	747	Minute Entry for proceedings held before Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez: Status Conference held on 5/29/2013 (Minute entry documents are not available electronically.). (Court

		Reporter Leticia Rangel, Chris Poage.)(rf) Modified on 5/29/2013, to edit text (rf). (Entered: 05/29/2013)
05/29/2013	748	ORDER - On this day the Court held a hearing to discuss the status of this case. While future legislative enactments and/or and ruling(s) from the United States Supreme Court may change the course of these proceedings, the parties shall proceed with the following steps (as set out in the Order) on or before the dates listed: June 5, 2013, July 15, 2013 and July 29, 2013. Signed by Judge Orlando L. Garcia (on behalf of the three judge panel) (kh) (Entered: 05/29/2013)
06/05/2013	757	BRIEF regarding 748 Order, by Rick Perry, State of Texas, John Steen. (Mattax, David) (Entered: 06/05/2013)
06/28/2013	768	Opposed MOTION to Dismiss for Lack of Jurisdiction *Motion to Dismiss For Lack of Subject Matter Jurisdiction* by Rick Perry, State of Texas, John Steen. (Attachments: # 1 Exhibit Exhibit A, # 2 Proposed Order Proposed

		Order)(Mattax, David) (Entered: 06/28/2013)
06/29/2013	769	NOTICE *of Errata* by Rick Perry, State of Texas, John Steen re 768 Opposed MOTION to Dismiss for Lack of Jurisdiction *Motion to Dismiss For Lack of Subject Matter Jurisdiction* (Attachments: # 1Corrected Motion to Dismiss for Lack of Subject Matter Jurisdiction)(Frederick, Matthew) (Entered: 06/29/2013)
07/01/2013	770	Minute Entry for proceedings held before Judge Orlando L. Garcia: Status Conference held before the Three Judge Panel on 7/1/2013. (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel/Karl Meyers.)(kh) (Entered: 07/01/2013)
07/01/2013	771	ORDER DENYING 768 Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction. ORDERED that Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction is DENIED without prejudice. Signed by Judge Orlando L. Garcia. (on behalf of

		the three judge panel) (kh) Modified text on 7/1/2013 (kh). (Entered: 07/01/2013)
07/01/2013	772	ORDER - After hearing from counsel on the status of the claims in this lawsuit, the Court finds that the parties should proceed as follows: 1) Motions for leave to amend pleadings due on or before Friday, July 12, 2013; responses due on or before Friday July 19, 2013. 2) Requests for attorneys fees and expenses due on or before Monday, July 22, 2013; responses due no later than Thursday, August 1, 2013. Any previously filed motions for attorneys fees should be re-filed as new motions. The motions to re-urge the previously filed motions for interim attorneys fees and costs (Dkt. # 750, 751) are DENIED as moot. 3) Supplementation of the record: The Court's order entered on May 29, 2013 is revised, in part, with deadlines of Monday, July 22, 2013 and August 5, 2013 as further set out in this Order. 4) Briefs on Section 3(c) of the Voting Rights Act and its possible impact on this case: On or before Monday, July 22, 2013, all parties shall

		simultaneously file briefs (either jointly or separately) on Section 3(c) of the Voting Rights Act and its possible impact on this case. To the extent that any party wishes to respond to any of the arguments in the briefs, a response may be filed on or before Thursday, August 1, 2013. Signed by Judge Orlando L. Garcia. (on behalf of the three judge panel) (kh) (Entered: 07/01/2013)
07/15/2013	784	Opposed MOTION to Amend Complaint *Amended* by John T Morris. (Attachments: # 1 Amended Complaint, # 2 Order)(Morris, John) (Entered: 07/15/2013)
07/25/2013	827	ADVISORY TO THE COURT by United States of America. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4)(Sitton, Jaye) (Entered: 07/25/2013)
08/22/2013	871	Opposed MOTION *to Intervene* by United States of America. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5,

		# 6 Proposed Order)(Freeman, Daniel) (Entered: 08/22/2013)
09/06/2013	886	ORDER - After careful deliberation, the Court grants the parties' request to amend their pleadings and denies Defendants' motion to dismiss the 2011 claims as moot. All legal challenges and requests for injunctive, declaratory and equitable relief relating to the 2011 and 2013 enacted plans will remain in this Court. The Court has also concluded, however, that a full, fair and final review of all issues before this Court cannot be completed prior to the upcoming deadlines for the 2014 elections. Thus, for reasons explained herein, the Court ORDERS that the 2013 enacted plans for the United States House of Representatives (Plan C235) and the Texas House of Representatives (Plan H358) be used as interim plans for the 2014 elections. These plans are being used on an interim basis only, and nothing in this order should be construed as aruling on the merits of any claims, causes of actions, or requests for relief that have been asserted in this consolidated

		action. The Court therefore makes the following rulings: Plaintiffs' 2011 plan claims are not moot and Plaintiffs may amend their complaints to add requests for relief under § 3(c) of the Voting Rights Act. Defendants' motion to dismiss the 2011 plan claims as moot (docket no. 786) is DENIED. After the Supreme Courts decision in Shelby County, the Task Force Plaintiffs filed an emergency motion to amend the injunction preventing use of the 2011 plans because they had not been precleared. Since Texas has repealed the 2011 plans and does not intend to implement them, and they remain enjoined in any event unless and until the Court lifts the injunction, the motion (docket no. 761) is DENIED. Plaintiffs may amend or supplement their complaints to add claims under § 2 and the Constitution, as well as requests for relief under § 3(c) of the Voting Rights Act, with regard to the 2013 plans (Plan C235 and Plan H358). The motions for leave to amend or supplement filed by Congressman Cuellar (docket no. 774); the NAACP, African-American Congresspersons,

		LULAC, Rodriguez Plaintiffs, and Quesada Plaintiffs (docket no. 776); the Perez Plaintiffs (docket no. 777); the Mexican American Legislative Caucus (docket no. 779); and the Texas Latino Redistricting Task Force (docket no. 780) are GRANTED. The Perez Plaintiffs' original motion to amend (docket no. 775) is DISMISSED AS MOOT because an amended motion was filed. As noted, it is unclear whether some Plaintiffs are intending to maintain their 2011 plan claims or request § 3(c) relief with regard to the 2011 plan claims. Plaintiffs' amended complaints should clearly specify whether such claims are being maintained, and Plaintiffs are granted further leave to amend their proposed complaints to clarify their claims or to correct errors identified herein. The Texas Democratic Party and Gilberto Hinojosa, as well as John Morris, are granted leave to amend their complaints to assert political gerrymandering claims against the 2013 plans. The motion for leave to file amended cross-claim by the Texas Democratic Party and

		Gilberto Hinojosa (docket no. 778) and John Morriss motion for leave to amend (docket no. 784) are GRANTED. Morriss motion for extension of time to file (docket no. 782) is GRANTED. Morriss original motion to amend (docket no. 783) is DISMISSED AS MOOT because an amended motion was filed. Because the Court is allowing the Texas Democratic Party, Hinojosa, and Morris to assert political gerrymandering claims against the 2013 plans, their motions to reconsider the Courts dismissal of their political gerrymandering claims against the 2011 plans (docket nos. 384 , 386) are DENIED. The Court emphasizes that, in allowing amendment to assert new claims, including requests for relief under § 3(c), the Court makes no determination of the merits of those claims, but simply permits the Plaintiffs to place such claims before the Court. Signed by U.S. Circuit Judge Judge Jerry E. Smith, U.S. District Judge Orlando L. Garcia and U.S. District Judge Xavier Rodriguez. (kh) (Entered: 09/06/2013)

09/06/2013	887	ORDER GRANTING Plaintiffs opposed joint motion for leave to reopen the record to provide supplemental evidence (Dkt. # 789 790 822 826). Signed by Judge Orlando L. Garcia (on behalf of the three judge panel) (kh) (Entered: 09/06/2013)
09/09/2013		Text Order DENYING 884 Motion; DENYING 884 Motion for Preliminary Injunction entered by Judge Xavier Rodriguez. To the extent the plaintiffs are seeking immediate equitable or injunctive relief, the motion is denied for the reasons stated in the Court's order filed September 6, 2013 (docket no. 886). However, as also explained in the Court's order, the 2013 plans are being used on an interim basis only and the parties may continue to assert their requests for prospective equitable relief, but those requests will not be reached until a later date. This motion is terminated. (This is a text-only entry generated by the court. There is no document associated with this entry.) (XR) (Entered: 09/09/2013)

09/09/2013	891	FOURTH AMENDED COMPLAINT OF PLAINTIFFS TEXAS LATINO REDISTRICTING TASK FORCE, ET AL against Rick Perry, John Steen amending filed by Socorro Ramos, Renato De Los Santos, Cesar Eduardo Yevenes, Alejandro Ortiz, Cynthia Valadez, Gilberto Torres, Sergio Coronado, Florinda Chavez, Texas Latino Redistricting Task Force, Alex Jimenez, Emelda Menendez, Gregorio Benito Palomino, Tomacita Olivares, Joey Cardenas, Rebecca Ortiz, Armando Cortez, Jose Olivares.(kh) (Entered: 09/10/2013)
09/12/2013	893	SECOND AMENDED COMPLAINT IN INTERVENTION against Rick Perry, State of Texas, John Steen filed by US Congressman Henry Cuellar.(Rios, Rolando) Modified text on 9/12/2013 to reflect title of filing (kh). (Entered: 09/12/2013)
09/15/2013	894	AMENDED COMPLAINT *Third* against All Defendants amending, filed by LULAC.(Vera, Luis) (Entered: 09/15/2013)

09/17/2013	896	SECOND AMENDED COMPLAINT against All Defendants amending, filed by Juanita Valdez-Cox, Beatrice Saloma, Milton Gerard Washington, Josey Martinez, Nina Jo Baker, Alex Serna, Betty F Lopez, Eliza Alvarado, Sandra Serna, Travis County, David Gonzalez, Bruce Elfant, Balakumar Pandian, Eddie Rodriguez, Lionor Sorola-Pohlman, City of Austin.(Hicks, Max) Modified text on 9/17/2013 to reflect title of filing(kh). (Entered: 09/17/2013)
09/17/2013	897	THIRD AMENDED COMPLAINT against All Defendants amending, filed by Mexican American Legislative Caucus, Texas House of Representatives.(Garza, Jose) Modified text on 9/17/2013 to reflect title of filing (kh). (Entered: 09/17/2013)
09/18/2013	898	AMENDED COMPLAINT *5th Amended* against All Defendants amending, filed by Shannon Perez, Gregory Tamez, Dorothy DeBose, Carmen Rodriguez, Rudolfo Ortiz, LULAC, Sergio Salinas, Nancy

		Hall, TJ Carson, Jessica Farrar, Richard Nguyen Le, Wanda F. Roberts, Mary K. Brown, Dr. Dottie Jones.(Richards, David) (Entered: 09/18/2013)
09/18/2013	899	AMENDED COMPLAINT *(THIRD)* against All Defendants amending, filed by Debbie Allen, Jane Hamilton, Kathleen Maria Shaw, John Jenkins, Lyman King, Margarita V Quesada, Sandra Puente, Romeo Munoz, Marc Veasey, Jamaal R. Smith.(Hebert, J.) (Entered: 09/18/2013)
09/18/2013	900	AMENDED COMPLAINT *(Third)* against Hope Andrade, David Dewhurst, Rick Perry, State of Texas, Joe Straus amending, filed by Juanita Wallace, Bill Lawson, Texas State Conference of NAACP Branches, Howard Jefferson.(Riggs, Allison) (Entered: 09/18/2013)
09/18/2013	901	AMENDED COMPLAINT *(Second)* against All Defendants amending, filed by Eddie Bernice Johnson, Alexander Green, Sheila Jackson-Lee.(Bledsoe, Gary) (Entered: 09/18/2013)
09/18/2013	902	AMENDED CROSSCLAIM *(First)* against Rick Perry, John

		Steen amending, filed by Gilberto Hinojosa, Texas Democratic Party.(Dunn, Chad) Modified text on 9/18/2013 (kh). (Entered: 09/18/2013)
09/23/2013	903	ANSWER to 891 Amended Complaint, *Texas Latino Redistricting Task Force, et al.'s* by Rick Perry, State of Texas, John Steen.(Sweeten, Patrick) (Entered: 09/23/2013)
09/24/2013	904	ORDER GRANTING 871 United States' Motion to Intervene Signed by Judge Orlando L. Garcia and Judge Xavier Rodriguez. United States Circuit Judge Jerry E. Smith, dissenting. (kh) (Entered: 09/24/2013)
09/25/2013	907	COMPLAINT *in Intervention* (Filing fee $ 400.). No Summons requested at this time, filed by United States of America. (Freeman, Daniel) (Entered: 09/25/2013)
09/26/2013	908	ANSWER to 893 Amended Complaint by Rick Perry, State of Texas, John Steen.(Sweeten, Patrick) (Entered: 09/26/2013)
09/30/2013	909	*Defendants'* ANSWER to 894 Amended Complaint *LULAC's*

		Third Amended Complaint by David Dewhurst, Rick Perry, State of Texas, John Steen, Joe Straus.(Sweeten, Patrick) (Entered: 09/30/2013)
10/01/2013	910	*Defendants'* ANSWER to 897 Amended Complaint *MALC's Third Amended Complaint* by Rick Perry, State of Texas, John Steen.(Sweeten, Patrick) (Entered: 10/01/2013)
10/01/2013	911	*Defendants'* ANSWER to 896 Amended Complaint, *Second Amended Complaint* by David Dewhurst, Rick Perry, State of Texas, John Steen, Joe Straus.(Sweeten, Patrick) (Entered: 10/01/2013)
10/01/2013	912	*CORRECTED Defendants'* ANSWER to 896 Amended Complaint, *Rodriguez's Second Amended Complaint* by David Dewhurst, Rick Perry, State of Texas, John Steen, Joe Straus.(Sweeten, Patrick) (Entered: 10/01/2013)
10/02/2013	913	ANSWER to 898 Amended Complaint, *of Perez Plaintiffs* by David Dewhurst, Rick Perry, State of Texas, John Steen, Joe

		Straus.(Sweeten, Patrick) (Entered: 10/02/2013)
10/02/2013	915	ANSWER to 902 Amended Crossclaim *of Texas Democratic Party and Hinojosa* by Rick Perry, State of Texas, John Steen.(Sweeten, Patrick) (Entered: 10/02/2013)
10/02/2013	916	ANSWER to 899 Amended Complaint *of Quesada Plaintiffs* by Rick Perry, State of Texas, John Steen.(Sweeten, Patrick) (Entered: 10/02/2013)
10/02/2013	917	ANSWER to 901 Amended Complaint *of Congressional Intervenors* by David Dewhurst, Rick Perry, State of Texas, John Steen, Joe Straus.(Sweeten, Patrick) (Entered: 10/02/2013)
10/02/2013	918	ANSWER to 900 Amended Complaint *of NAACP* by David Dewhurst, Rick Perry, State of Texas, John Steen, Joe Straus.(Sweeten, Patrick) (Entered: 10/02/2013)
10/09/2013	922	*Defendants'* ANSWER to 907 Complaint *in Intervention by the United States* by State of Texas, John Steen.(Sweeten, Patrick) (Entered: 10/09/2013)

10/09/2013	924	ADVISORY TO THE COURT by Rick Perry, State of Texas, John Steen. (Attachments: # 1 Proposed Order Defendants' Proposed Scheduling Order)(Sweeten, Patrick) (Entered: 10/09/2013)
10/18/2013	926	SCHEDULING ORDER: Bench Trial set for 7/14/2014 8:30 AM before Judge Orlando L. Garcia, Pretrial Conference set for 7/2/2014 08:30 AM before Judge Orlando L. Garcia, Amended Pleadings due by 3/3/2014, Joinder of Parties due by 3/3/2014, Dispositive Motions due by 4/2/2014. Signed by Judge Orlando L. Garcia. (rg) (Entered: 10/18/2013)
11/05/2013	927	*Defendants'* ANSWER to Complaint *Plaintiff John T. Morris's Opposed Second Amended Complaint* by Rick Perry, State of Texas, John Steen.(Sweeten, Patrick) (Entered: 11/05/2013)
01/21/2014	953	Joint MOTION *Joint Motion to Modify Scheduling Order* re 926 Scheduling Order, by Rick Perry, State of Texas, John Steen. (Attachments: # 1 Exhibit

		Proposed Modified Scheduling Order, # 2 Proposed Order)(Sweeten, Patrick) (Entered: 01/21/2014)
01/21/2014	954	ORDER, (Amended Pleadings due by 3/3/2014, Discovery due by 5/30/2014, Motions due by 4/23/2014, Jury Selection set for 7/14/2014 8:30AM before Judge Orlando L. Garcia,, Jury Trial set for 7/14/2014 8:30 AM before Judge Orlando L. Garcia,, Pretrial Conference set for 7/2/2014 8:30 AM before Judge Orlando L. Garcia,), GRANTING 953 Joint MOTION *Joint Motion to Modify Scheduling Order.*. Signed by Judge Xavier Rodriguez. (rf) (Entered: 01/22/2014)
02/20/2014	958	STIPULATION *Between Rodriguez Plaintiffs and State Defendants* by Rick Perry, State of Texas, John Steen. (Sweeten, Patrick) (Entered: 02/20/2014)
02/25/2014	960	6th AMENDED COMPLAINT against State of Texas, et.al. amending 898 Amended Complaint, filed by TJ Carson, Jessica Farrar, Richard Nguyen Le, Shannon Perez, Gregory Tamez, Dorothy DeBose, Carmen

		Rodriguez, Wanda F. Roberts, LULAC, Sergio Salinas, Nancy Hall.(wg) (Entered: 02/26/2014)
02/28/2014	964	ANSWER to 960 Amended Complaint, *Sixth Amended Complaint of Perez Plaintiffs* by Rick Perry, State of Texas, John Steen.(Sweeten, Patrick) (Entered: 02/28/2014)
05/01/2014	984	MOTION to Expedite, MOTION *for Leave to Depose Gerardo Interiano and Ryan Downton* by United States of America. (Attachments: # 1 Proposed Order)(Sells, Bryan) (Entered: 05/01/2014)
05/05/2014	985	Response in Opposition to Motion, filed by Rick Perry, State of Texas, John Steen, re 984 MOTION to Expedite MOTION *for Leave to Depose Gerardo Interiano and Ryan Downton* filed by Intervenor Plaintiff United States of America *Response to Motion for Leave to Depose Interiano and Downton* (Attachments: # 1 Exhibit A)(Sweeten, Patrick) (Entered: 05/05/2014)
05/06/2014	986	ORDER GRANTING 984 Expedited Motion to Depose

		Gerardo Interiano and Ryan Downton. Signed by Judge Orlando L. Garcia. (aej) (Entered: 05/06/2014)
05/06/2014	987	STIPULATION *Between Defendants and MALC Regarding Alonzo* by Rick Perry, State of Texas, John Steen. (Sweeten, Patrick) (Entered: 05/06/2014)
05/14/2014	995	Opposed MOTION to Dismiss by Rick Perry, State of Texas, John Steen. (Attachments: # 1 Proposed Order)(Sweeten, Patrick) (Entered: 05/14/2014)
05/14/2014	996	Opposed MOTION for Summary Judgment *AND SUPPORTING MEMORANDUM OF POINTS AND AUTHORITIES* by Rick Perry, State of Texas, Nandita Berry. (Attachments: # 1 Proposed Order, # 2Appendix, # 3 Exhibit A.Declaration of Patrick Sweeten, # 4 Exhibit A-1.Transcript, Public Hearing,, # 5 Exhibit A-2.Texas House Journal, Supplement (June 20, 2013) (excerpts), # 6 Exhibit A-3.Plan H309, Red-116, Red-119 Reports, # 7 Exhibit A-4.Texas House Journal (June 20, 2013), pages 206-212, # 8 Exhibit A-

		5.Plan H358, Red-116, Red-119 Reports, # 9 Exhibit A-6.Transcript, Deposition of Sergio De Leon (excerpt), # 10 Exhibit A-7.Defendants Second Set of Interrogatories to TLRTF, # 11 Exhibit A-8.TLRTF Responses to Defendants Second Set of Interrogatories, # 12 Exhibit A-9.Transcript, Deposition of Salvador Espino (excerpt), # 13 Exhibit A-10.Plan C235, Red-116, Red-315 Reports, # 14 Exhibit Plan C236, Red-116, Red-315 Reports, # 15 Exhibit A-12.Plan C238, Red-116, Red-315 Reports, # 16Exhibit A-13.Plan C241, Red-116, Red-315 Reports, # 17 Exhibit A-14.Plan C248, Red-116, Red-315 Reports, # 18 Exhibit A-15.Plan C251, Red-116, Red-315 Reports, # 19 Exhibit A-16.TLC American Community Survey, # 20 Exhibit A-17.Plan H314, Red-116 Report, # 21 Exhibit A-18.Plan H334, Red-116 Report, # 22 Exhibit A-19.Plan H366, Red-116 Report, # 23 Exhibit A-20.Plan H329, Red-116 Report, # 24 Exhibit A-21.Plan H333, Red-116 Report, # 25 Exhibit A-22.Plan H364, Red-116 Report, # 26 Exhibit A-

		23.Plan H365, Red-116 Report, # 27 Exhibit B.Declaration of John Alford, Ph.D, # 28Exhibit C.Letter from Perales to Sen. Seliger and Rep. Darby (June 22, 2013))(Sweeten, Patrick) (Entered: 05/14/2014)
06/06/2014	1052	ORDER Pursuant to the Court's most recent order regarding trial time and order ofpresentation of evidence (Dkt. # 1018), the parties filed advisories providing theirestimates of the number of trial hours needed for each of the four segments on liabilityissues. Based on the parties' estimates, trial on the 2011 Texas House plan will last atleast 35 hours, and possibly up to 52 hours. The Court has therefore determined that, subject to any rulings on pending matters such as motions to dismiss and for summary judgment, it will hear evidence only on the 2011 Texas House plan in the first segmentof trial, from Monday July 14 to Saturday July 19. The next three segments of trial, which include challenges to the 2011 Congressional plan, 2013 Texas House plan, andthe 2013 Congressional plan, will take place

		on dates to be determined in the near future.The parties will be notified when dates for the remaining segments of trial have beendetermined.1 The parties should prepare for trial accordingly.The pretrial conference remains scheduled for 8:30 a.m. onJuly 2, 2014, re 1018 Order. Signed by Judge Orlando L. Garcia. (rf) (Entered: 06/06/2014)
06/09/2014	1053	STIPULATION *BETWEEN AND AMONG THE STATE DEFENDANTS AND THE CONGRESSPERSONS AND NAACP PLAINTIFF-INTERVENORS* by Nandita Berry, Rick Perry, State of Texas. (Sweeten, Patrick) Modified on 6/9/2014 to select all filers(aej). (Entered: 06/09/2014)
06/09/2014		Notice of Correction: ***NOTIFIED COUNSEL THAT Plaintiffs Eddie Bernice Johnson, Al Green, and Sheila Jackson-Lee and Texas State Conference of NAACPBranches, Juanita Wallace, Rev. Bill Lawson, and Howard Jefferson HAVE BEEN ADDED AS FILERS TO THIS DOCUMENT***re 1053

		Stipulation. (aej) (Entered: 06/09/2014)
06/09/2014	1061	MOTION to Exclude *Evidence* by Nandita Berry, Rick Perry, State of Texas. (Attachments: # 1 Proposed Order)(Sweeten, Patrick) (Entered: 06/09/2014)
06/09/2014	1065	Response in Opposition to Motion, filed by City of Austin, Dorothy DeBose, Harold Dutton, Jr, Bruce Elfant, Alexander Green, Jane Hamilton, Sheila Jackson-Lee, Howard Jefferson, John Jenkins, Eddie Bernice Johnson, LULAC, Bill Lawson, Betty F Lopez, Romeo Munoz, Balakumar Pandian, Shannon Perez, Margarita V Quesada, Carmen Rodriguez, Eddie Rodriguez, Sergio Salinas, Beatrice Saloma, Alex Serna, Sandra Serna, Gregory Tamez, Texas State Conference of NAACP Branches, Travis County, Marc Veasey, Juanita Wallace, Milton Gerard Washington, re 996 Opposed MOTION for Summary Judgment *AND SUPPORTING MEMORANDUM OF POINTS AND AUTHORITIES* filed by Defendant State of Texas, Defendant Rick Perry, Defendant

		Nandita Berry *(Joint)* (Attachments: # 1 Exhibit A - State Answers to Perez IROGs, # 2 Exhibit B - Ansolabehere Report 2 28 14, # 3 Exhibit C - Ansolabehere Rebuttal 4 28 14, # 4 Exhibit D - Opiela email, # 5 Exhibit E - Lichtman Report 2 28 14, # 6 Exhibit F - Abbott Letter)(Riggs, Allison) (Entered: 06/09/2014)
06/09/2014	1082	ORDER GRANTING 1062 Motion to Extend Scheduling Order Deadlines; MOOTING 1063 Motion to Expedite. The new deadline for filing exhibit lists, witness lists, and designations of deposition testimony for the last three segments of trial will be July 9, 2014. The new deadline for filing counter designations of deposition testimony for the last three segments of trial will be July 23, 2014. Signed by Judge Orlando L. Garcia. (aej) (Entered: 06/10/2014)
06/10/2014		Text Order GRANTING IN PART AND DENYING IN PART 1061 Motion to exclude entered by Judge Xavier Rodriguez. The DC Court opinion cannot be used to prove defects in the 2011 maps or to prove any

		factual findings or legal conclusions issued by the DC Court. Whether the DC Court opinion can be used for any other purposes is dependent on the purpose for which it is offered. (This is a text-only entry generated by the court. There is no document associated with this entry.) (XR) (Entered: 06/10/2014)
06/17/2014	1104	ORDER GRANTING IN PART AND DENYING IN PART 995 Motion to Dismiss. The motion to dismiss the 2011 plan claims as moot is DENIED and the motion to dismiss the political gerrymandering claims against the 2013 plan claims is GRANTED. Accordingly, all claims asserted by TDP and Morris are DISMISSED. The Court expresses no view on the ultimate merits or chances of success of the claims that remain for decision. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez. (aej) Modified on 6/17/2014 to include all Judges (aej). (Entered: 06/17/2014)
06/23/2014	1108	ORDER that summary judgment is GRANTED on all Fifteenth

		Amendment claims asserted against the 2013 redistricting plans. The remaining arguments in the State Defendants' motion for partial summary judgment remain under consideration. Signed by Judge Orlando L. Garcia, Circuit Judge Jerry E. Smith, Judge Xavier Rodriguez. (aej) Modified on 6/23/2014 to include all Judges(aej). (Entered: 06/23/2014)
07/01/2014		The Court has granted summary judgment on the Fifteenth Amendment claims (Dkt. #1108). The Court has determined that the most prudent course of action is to carry the remaining issues forward, hear the evidence presented at trial, and then resolve the legal and factual issues on the remaining claims. See Firman v. Life Ins. Co. of N. Am., 684 F.3d 533, 538 (5th Cir. 2012)("Even if the standards of Rule 56 are met, a court has discretion to deny a motion for summary judgment if it believes that 'the better course would be to proceed to a full trial.'")(citing Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)); see also Harris v. Bruister, 2013 WL 6805155 *2 (S.D. Miss. Dec.

		20, 2013)("Because a bench trial cannot be avoided, it is more prudent to carry the close issues forward and deny summary judgment.")entered by Judge Orlando L. Garcia. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ju) (Entered: 07/01/2014)
07/01/2014		In addition to any other matters that need to be raised or discussed at the pretrial conference scheduled for July 2, 2014, the Court will hear oral argument on the following pending motions: (1) The United States' motion to compel production of documents from Denise Davis (Dkt. # 1107); and (2) The Congresspersons' motion to compel deposition testimony of Chairman Darby (Dkt. # 1069). Counsel for the movants and non-movants should be prepared to answer any questions posed by the panel entered by Judge Orlando L. Garcia. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ju) (Entered: 07/01/2014)

07/02/2014	1123	Minute Entry for proceedings held before Judge Orlando L. Garcia: Pretrial Conference held on 7/2/2014 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel/Karl Myers/Chris Poage.)(aej) (Entered: 07/02/2014)
07/03/2014		The Court has determined that the second segment of trial on the 2011 Congressional plan will commence on Monday, August 11, 2014 and continue day to day until finished. The Court currently anticipates setting aside the entire week (August 11-15) for trial, and will continue on Saturday, August 16 if necessary. The parties previously provided their estimates for anticipated length of trial on each of the four segments (Dkt. # 1004) but those estimates may have changed. It is therefore ORDERED that the parties file a joint advisory no later than July 9, 2014 stating their current estimate(s) for length of the second segment of trial. Because the second segment of trial is scheduled to begin on August 11, only a short extension on the deadlines to file witness lists,

		exhibits lists, designation of deposition testimony, and counter designation of deposition testimony will be permitted. The previous deadlines, set forth in the order entered on June 9, 2014 (Dkt. # 1082), are EXTENDED three business days, as follows: The parties must file their witness lists, exhibit lists, and designation of deposition testimony for the second segment of trial no later than Monday, July 14; the parties must file their counter designation of deposition testimony no later than Monday, July 28. The Court will hold a pretrial conference at 8:30 a.m. on Tuesday, July 29, 2014 to discuss any matters that need to be resolved prior to the second segment of trial entered by Judge Orlando L. Garcia. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ju) (Entered: 07/03/2014)
07/14/2014	1161	Minute Entry for proceedings held before Judge Orlando L. Garcia/Jerry E. Smith/Xavier Rodriguez: Bench Trial begun on 7/14/2014 (Minute entry documents are not available

		electronically). (Court Reporter Leticia Rangel/Karl Myers.)(aej) Modified on 7/16/2014 to include all judges(aej). (Entered: 07/15/2014)
07/15/2014	1164	Minute Entry for proceedings held before Judge Orlando L. Garcia/Jerry E. Smith/Xavier Rodriguez: Bench Trial held on 7/15/2014 (Minute entry documents are not available electronically.) (Court Reporter Leticia Rangel/Karl Myers/Kristin Anderson/Chris Poage.)(aej) (Entered: 07/16/2014)
07/16/2014	1166	Minute Entry for proceedings held before Judge Orlando L. Garcia: Bench Trial held on 7/16/2014 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel/Karl Myers/Kristin Anderson/Chris Poage.)(aej) (Entered: 07/17/2014)
07/17/2014	1167	Minute Entry for proceedings held before Judge Orlando L. Garcia/Jerry E. Smith/Xavier Rodriguez: Bench Trial held on 7/17/2014 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel/Karl Myers.Kristin Anderson/Chris Poage.)(aej)

		Modified on 7/18/2014 to add all Judges(aej). (Entered: 07/18/2014)
07/18/2014	1170	Minute Entry for proceedings held before Judge Orlando L. Garcia/Jerry E. Smith/Xavier Rodriguez: Bench Trial held on 7/18/2014 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel/Karl Myers/Kristin Anderson/Chris Poage.)(aej) (Entered: 07/21/2014)
07/19/2014	1171	Minute Entry for proceedings held before Judge Orlando L. Garcia/Jerry E. Smith/Xavier Rodriguez: Bench Trial held on 7/19/2014 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel/Chris Poage/Karl Myers/Kristin Anderson.)(aej) (Entered: 07/21/2014)
07/25/2014	1183	TRIAL BRIEF *(Summary of closing arguments)* by Howard Jefferson, Bill Lawson, Texas State Conference of NAACP Branches, Juanita Wallace. (Riggs, Allison) (Entered: 07/25/2014)
07/25/2014	1184	TRIAL BRIEF *Defendants' Bench Brief 2011 House Trial* by Nandita Berry, Rick Perry, State

		of Texas. (Sweeten, Patrick) (Entered: 07/25/2014)
07/25/2014	1185	TRIAL BRIEF *closing argument summary* by Mexican American Legislative Caucus, Texas House of Representatives. (Garza, Jose) (Entered: 07/25/2014)
07/25/2014	1186	TRIAL BRIEF by United States of America. (Sitton, Jaye) (Entered: 07/25/2014)
07/25/2014	1187	TRIAL BRIEF *Summary of Closing Arguments on Evidence Regarding the 2011 House Plan* by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. (Perales, Nina) (Entered: 07/25/2014)
07/29/2014	1192	Minute Entry for proceedings held before Judge Orlando L. Garcia/Jerry E. Smith/Xavier Rodriguez: Bench Trial held on 7/29/2014 (Minute entry

		documents are not available electronically.). (Court Reporter Leticia Rangel/Karl Myers/Gail Deml/Lauren Laux.)(aej) Modified on 7/29/2014 to include all Judges(aej). (Entered: 07/29/2014)
08/11/2014	1209	Minute Entry for proceedings held before Judge Orlando L. Garcia, Jerry E. Smith, Xavier Rodriguez: Bench Trial held on 8/11/2014 (Minute entry documents are not available electronically.). (Court Reporter Chris Poage, Leticia Rangel, Karl Myes.)(aej) Modified on 8/12/2014 to add all Judges(aej). (Entered: 08/12/2014)
08/12/2014	1212	Minute Entry for proceedings held before Judge Orlando L. Garcia, Jerry E. Smith, Xavier Rodriguez: Bench Trial held on 8/12/2014 (Minute entry documents are not available electronically.). (Court Reporter Chris Poage, Karl Myers, Leticia Rangel, Kristin Anderson.)(aej) Modified on 8/13/2014 to add all Judges(aej). (Entered: 08/13/2014)
08/13/2014	1213	Minute Entry for proceedings held before Judge Orlando L. Garcia, Jerry E. Smith, Xavier Rodriguez: Bench Trial held on 8/13/2014

		(Minute entry documents are not available electronically.) (Court Reporter Leticia Rangel, Karl Myers, Chris Poage, Kridtin Anderson.)(aej) (Entered: 08/14/2014)
08/14/2014	1214	Exhibit List *Defendants' Third Amended Exhibit List- 2011 Congressional* by Nandita Berry, Rick Perry, State of Texas. (Sweeten, Patrick) (Entered: 08/15/2014)
08/14/2014	1215	Minute Entry for proceedings held before Judge Orlando L. Garcia, Jerry E. Smith, Xavier Rodriguez: Bench Trial held on 8/14/2014 (Minute entry documents are not available electronically). (Court Reporter Karl Myers, Chris Poage, Leticia Rangel, Kristen Anderson.)(aej) (Entered: 08/15/2014)
08/15/2014	1216	Minute Entry for proceedings held before Judge Orlando L. Garcia, Jerry E. Smith, Xavier Rodriguez: Bench Trial held on 8/15/2014 (Minute entry documents are not available electronically.). (Court Reporter Kristin Anderson, Karl Myers, Chris Poage, Leticia

		Rangel.)(aej) (Entered: 08/18/2014)
08/16/2014	1217	Minute Entry for proceedings held before Judge Orlando L. Garcia, Jerry E. Smith, Xavier Rodriguez: Bench Trial held on 8/16/2014 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel, Karl Myers, Chris Poage, Kristin Anderson.)(aej) (Entered: 08/18/2014)
08/21/2014	1228	TRIAL BRIEF *closing argument summary* by Mexican American Legislative Caucus, Texas House of Representatives. (Garza, Jose) (Entered: 08/21/2014)
08/21/2014	1229	TRIAL BRIEF *2011 Congressional Trial Bench Brief* by Nandita Berry, Rick Perry, State of Texas. (Sweeten, Patrick) (Entered: 08/21/2014)
08/21/2014	1230	Exhibit List *Task Force Plaintiffs' Third Supplemental Proposed Exhibit List for the 2014 Trial on the 2011 Texas Congressional Plan* by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Jose Olivares,

		Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes.. (Perales, Nina) (Entered: 08/21/2014)
08/21/2014	1231	TRIAL BRIEF by Eliza Alvarado, Nina Jo Baker, City of Austin, Bruce Elfant, David Gonzalez, Betty F Lopez, Josey Martinez, Balakumar Pandian, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Lionor Sorola-Pohlman, Travis County, Juanita Valdez-Cox, Milton Gerard Washington. (Hicks, Max) (Entered: 08/21/2014)
08/21/2014	1232	TRIAL BRIEF *(summary of closing arguments - 2011 Congress)* by Howard Jefferson, Bill Lawson, Texas State Conference of NAACP Branches, Juanita Wallace. (Riggs, Allison) (Entered: 08/21/2014)
08/21/2014	1233	TRIAL BRIEF *Post-Trial Summary Regarding 2011 Congressional Trial* by United States of America. (Sitton, Jaye) (Entered: 08/21/2014)

08/21/2014	1234	TRIAL BRIEF *of Quesada Plaintiffs Summarizing Arguments* by Debbie Allen, Nancy Hall, Jane Hamilton, John Jenkins, Sandra Puente, Margarita V Quesada, Kathleen Maria Shaw, Jamaal R. Smith, Marc Veasey. (Hebert, J.) (Entered: 08/21/2014)
08/21/2014	1235	NOTICE *Summary of LULAC Argument of Plan C185* by LULAC (Vera, Luis) (Entered: 08/21/2014)
08/21/2014	1236	TRIAL BRIEF *Texas Latino Redistricting Task Force Summary of Closing Arguments: 2011 Congressional Plan* by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. (Perales, Nina) (Entered: 08/21/2014)
08/21/2014	1237	TRIAL BRIEF by Alexander Green, Sheila Jackson-Lee, Eddie

		Bernice Johnson. (Bledsoe, Gary) (Entered: 08/21/2014)
08/26/2014	1243	Minute Entry for proceedings held before Judge Orlando L. Garcia, Jerry E. Smith, Xavier Rodriguez: Bench Trial held on 8/26/2014 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel, Karl Myers, Chris Poage.)(rf) (Entered: 08/27/2014)
10/21/2014	1263	TRIAL BRIEF *Post* by TJ Carson, Dorothy DeBose, Jessica Farrar, Nancy Hall, Richard Nguyen Le, Shannon Perez, Wanda F. Roberts, Carmen Rodriguez, Sergio Salinas, Gregory Tamez. (Attachments: # 1 Exhibit 1)(Richards, David) (Entered: 10/21/2014)
10/21/2014	1264	Proposed Findings of Fact by TJ Carson, Dorothy DeBose, Jessica Farrar, Nancy Hall, Richard Nguyen Le, Shannon Perez, Wanda F. Roberts, Carmen Rodriguez, Sergio Salinas, Gregory Tamez. (Richards, David) (Entered: 10/21/2014)
10/21/2014	1265	Proposed Findings of Fact by TJ Carson, Dorothy DeBose, Jessica Farrar, Nancy Hall, Shannon

		Perez, Wanda F. Roberts, Carmen Rodriguez, Sergio Salinas, Gregory Tamez. (Richards, David) (Entered: 10/21/2014)
10/30/2014	1272	TRIAL BRIEF *Defendant's Post-Trial Brief* by Nandita Berry, Rick Perry, State of Texas. (Frederick, Matthew) (Entered: 10/30/2014)
10/30/2014	1273	TRIAL BRIEF *on whole county requirement* by Mexican American Legislative Caucus, Texas House of Representatives. (Garza, Jose) (Entered: 10/30/2014)
10/30/2014	1274	Amended Proposed Findings of Fact 1271 by Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. (Perales, Nina) Modified docket text on 10/31/2014 (aej). (Entered: 10/30/2014)
10/30/2014	1275	Proposed Findings of Fact by Mexican American Legislative

		Caucus, Texas House of Representatives. (Garza, Jose) (Entered: 10/30/2014)
10/30/2014	1276	Proposed Findings of Fact by Nandita Berry, Rick Perry, State of Texas. (Sweeten, Patrick) (Entered: 10/30/2014)
10/30/2014	1277	BRIEF by Debbie Allen, Eliza Alvarado, Nina Jo Baker, City of Austin, Bruce Elfant, David Gonzalez, Jane Hamilton, John Jenkins, LULAC, Betty F Lopez, Josey Martinez, Romeo Munoz, Balakumar Pandian, Sandra Puente, Margarita V Quesada, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Travis County, Juanita Valdez-Cox, Marc Veasey, Milton Gerard Washington. (Attachments: # 1 Appendix FF-CL (prop))(Hicks, Max) (Entered: 10/30/2014)
10/30/2014	1277	BRIEF by Debbie Allen, Eliza Alvarado, Nina Jo Baker, City of Austin, Bruce Elfant, David Gonzalez, Jane Hamilton, John Jenkins, LULAC, Betty F Lopez, Josey Martinez, Romeo Munoz,

		Balakumar Pandian, Sandra Puente, Margarita V Quesada, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Travis County, Juanita Valdez-Cox, Marc Veasey, Milton Gerard Washington. (Attachments: # 1 Appendix FF-CL (prop))(Hicks, Max) (Entered: 10/30/2014)
10/30/2014	1278	Proposed Findings of Fact by United States of America. (Freeman, Daniel) (Entered: 10/30/2014)
10/30/2014	1279	TRIAL BRIEF by United States of America. (Freeman, Daniel) (Entered: 10/30/2014)
10/30/2014	1280	TRIAL BRIEF by Alexander Green, Sheila Jackson-Lee, Howard Jefferson, Eddie Bernice Johnson, Bill Lawson, Texas State Conference of NAACP Branches, Juanita Wallace. (Riggs, Allison) (Entered: 10/30/2014)
10/30/2014	1281	Proposed Findings of Fact by Alexander Green, Sheila Jackson-Lee, Howard Jefferson, Eddie Bernice Johnson, Bill Lawson, Texas State Conference of

		NAACP Branches, Juanita Wallace. (Riggs, Allison) (Entered: 10/30/2014)
10/31/2014	1282	TRIAL BRIEF *Post-Trial Brief of Plaintiffs Texas Latino Redistricting Task Force, Et Al.* by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. (Perales, Nina) (Entered: 10/31/2014)
11/18/2014	1284	ORDER, The parties should address, in five pages or less, whether there is an overlap in the issues and whether this Court should await a decision by the Supreme Court before issuing substantive rulings on the matters now undersubmission. Joint filings are encouraged but not required. The advisories are due Tuesday December 2. Signed by Judge Xavier Rodriguez. (aej) (Entered: 11/18/2014)

12/02/2014	1288	ADVISORY TO THE COURT by Debbie Allen, Eliza Alvarado, Nina Jo Baker, Mary K. Brown, Joey Cardenas, TJ Carson, Florinda Chavez, City of Austin, Sergio Coronado, Armando Cortez, Renato De Los Santos, Dorothy DeBose, Bruce Elfant, Jessica Farrar, Pete Gallego, Baldomero Garza, David Gonzalez, Alexander Green, Nancy Hall, Jane Hamilton, Sheila Jackson-Lee, Howard Jefferson, John Jenkins, Alex Jimenez, Eddie Bernice Johnson, LULAC, Bill Lawson, Betty F Lopez, Josey Martinez, Emelda Menendez, Mexican American Legislative Caucus, Texas House of Representatives, Romeo Munoz, Richard Nguyen Le, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Balakumar Pandian, Rod Ponton, Sandra Puente, Margarita V Quesada, Elvira Rios, Wanda F. Roberts, Belen Robles, Carmen Rodriguez, Eddie Rodriguez, Gabriel Y. Rosales, Sergio Salinas, Beatrice Saloma, Alex Serna, Sandra Serna,

		Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Marcelo H. Tafoya, Texas Latino Redistricting Task Force, Texas State Conference of NAACP Branches, Gilberto Torres, Travis County, Cynthia Valadez, Juanita Valdez-Cox, Marc Veasey, Filemon Vela, Jr., Ray Velarde, Raul Villaronga, Johnny Villastrigo, Juanita Wallace, Milton Gerard Washington, Cesar Eduardo Yevenes. (Riggs, Allison) (Entered: 12/02/2014)
12/02/2014	1289	ADVISORY TO THE COURT by Nandita Berry, Rick Perry, State of Texas. (Sweeten, Patrick) (Entered: 12/02/2014)
12/02/2014	1290	ADVISORY TO THE COURT by United States of America. (Attachments: # 1 Exhibit 1: Jurisdictional Statement, ALBC v. Alabama, # 2 Exhibit 2: Jurisdictional Statement, ADC v. Alabama, # 3 Exhibit 3: Transcript of Argument, # 4 Exhibit 4: US Brief as Amicus Curiae)(Freeman, Daniel) (Entered: 12/02/2014)
12/04/2014	1291	TRIAL BRIEF *Reply* by United States of America. (Attachments:

		# 1 Exhibit 1: Tex. 2d Am. Disclosures)(Freeman, Daniel) (Entered: 12/04/2014)
12/04/2014	1292	BRIEF regarding 1272 Trial Brief by Debbie Allen, Eliza Alvarado, Asenet T. Armadillo, Nina Jo Baker, City of Austin, Bruce Elfant, Baldomero Garza, David Gonzalez, Nancy Hall, Jane Hamilton, John Jenkins, LULAC, Betty F Lopez, Patricia Mancha, Josey Martinez, Romeo Munoz, Balakumar Pandian, Sandra Puente, Margarita V Quesada, Elvira Rios, Belen Robles, Eddie Rodriguez, Gabriel Y. Rosales, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Marcelo H. Tafoya, Travis County, Bertha Urteaga, Juanita Valdez-Cox, Marc Veasey, Ray Velarde, Raul Villaronga, Johnny Villastrigo, Milton Gerard Washington. (Hicks, Max) (Entered: 12/04/2014)
12/04/2014	1293	TRIAL BRIEF *Reply* by Alexander Green, Sheila Jackson-Lee, Howard Jefferson, Eddie Bernice Johnson, Bill Lawson, Texas State Conference of NAACP Branches, Juanita

		Wallace. (Riggs, Allison) (Entered: 12/04/2014)
12/04/2014	1294	TRIAL BRIEF *(CORRECTED REPLY)* by Alexander Green, Sheila Jackson-Lee, Howard Jefferson, Eddie Bernice Johnson, Bill Lawson, Texas State Conference of NAACP Branches, Juanita Wallace. (Riggs, Allison) (Entered: 12/04/2014)
12/04/2014	1295	TRIAL BRIEF by Nandita Berry, Rick Perry, State of Texas. (Frederick, Matthew) (Entered: 12/04/2014)
12/04/2014	1296	TRIAL BRIEF *RESPONSE to Post-Trial Briefs* by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. (Attachments: # 1 Appendix A, # 2 Appendix B)(Perales, Nina) (Entered: 12/05/2014)

03/25/2015	1301	ORDER, Plaintiffs are directed to file briefs by April 20, 2015. Defendants shall respond to Plaintiffs briefs no later than May4, 2015. Signed by Judge Xavier Rodriguez. (aej) (Entered: 03/26/2015)
04/20/2015	1302	SUPPLEMENTAL MEMORANDUM to 1301 Order by Eliza Alvarado, Asenet T. Armadillo, Nina Jo Baker, City of Austin, Bruce Elfant, Baldomero Garza, David Gonzalez, Howard Jefferson, LULAC, Bill Lawson, Betty F Lopez, Patricia Mancha, Josey Martinez, Balakumar Pandian, Elvira Rios, Belen Robles, Eddie Rodriguez, Gabriel Y. Rosales, Beatrice Saloma, Alex Serna, Sandra Serna, Lionor Sorola-Pohlman, Marcelo H. Tafoya, Texas State Conference of NAACP Branches, Travis County, Bertha Urteaga, Juanita Valdez-Cox, Ray Velarde, Raul Villaronga, Johnny Villastrigo, Juanita Wallace, Milton Gerard Washington. (Attachments: # 1 Affidavit)(Hicks, Max) (Entered: 04/20/2015)

04/20/2015	1303	BRIEF by TJ Carson, Dorothy DeBose, Jessica Farrar, Nancy Hall, Howard Jefferson, Richard Nguyen Le, Shannon Perez, Wanda F. Roberts, Carmen Rodriguez, Sergio Salinas, Gregory Tamez, Texas State Conference of NAACP Branches. (Richards, David) (Entered: 04/20/2015)
04/20/2015	1304	ADVISORY TO THE COURT by United States of America. (Freeman, Daniel) (Entered: 04/20/2015)
04/20/2015	1305	SUPPLEMENTAL MEMORANDUM to 1301 Order *Directing Plaintiffs to Identify Shaw Claims and to Assess Impact of Alabama decision* by Debbie Allen, Nancy Hall, Jane Hamilton, John Jenkins, Romeo Munoz, Sandra Puente, Margarita V Quesada, Kathleen Maria Shaw, Jamaal R. Smith, Marc Veasey. (Hebert, J.) (Entered: 04/20/2015)
04/20/2015	1306	BRIEF by Mexican American Legislative Caucus, Texas House of Representatives. (Garza, Jose) (Entered: 04/20/2015)
04/20/2015	1307	BRIEF by Alexander Green, Sheila Jackson-Lee, Eddie Bernice

		Johnson. (Bledsoe, Gary) (Entered: 04/20/2015)
04/20/2015	1308	ADVISORY TO THE COURT by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. (Perales, Nina) (Entered: 04/20/2015)
04/23/2015	1309	BRIEF regarding 1306 Brief by Mexican American Legislative Caucus, Texas House of Representatives. (Garza, Jose) (Entered: 04/23/2015)
05/04/2015	1310	RESPONSE to 1309 Brief, 1303 Brief, 1301 Order, 1307 Brief, 1305 Supplemental Memorandum, 1308 Advisory to the Court, 1302 Supplemental Memorandum, 1306 Brief, 1304 Advisory to the Court by Nandita Berry, Rick Perry, State of Texas. (Frederick, Matthew) (Entered: 05/04/2015)
05/12/2015	1311	RESPONSE *Concerning Davis v. Abbott* to 1310 Response, by

		United States of America. (Attachments: # 1 Exhibit 1)(Freeman, Daniel) (Entered: 05/12/2015)
10/14/2015	1319	MOTION for Preliminary Injunction by Debbie Allen, Eliza Alvarado, Asenet T. Armadillo, Nina Jo Baker, TJ Carson, City of Austin, Dorothy DeBose, Bruce Elfant, Jessica Farrar, Baldomero Garza, David Gonzalez, Nancy Hall, Jane Hamilton, Howard Jefferson, John Jenkins, LULAC, Bill Lawson, Betty F Lopez, Patricia Mancha, Josey Martinez, Romeo Munoz, Richard Nguyen Le, Balakumar Pandian, Shannon Perez, Sandra Puente, Margarita V Quesada, Elvira Rios, Wanda F. Roberts, Belen Robles, Carmen Rodriguez, Eddie Rodriguez, Gabriel Y. Rosales, Sergio Salinas, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Marcelo H. Tafoya, Gregory Tamez, Texas State Conference of NAACP Branches, Travis County, Bertha Urteaga, Juanita Valdez-Cox, Marc Veasey, Ray Velarde, Raul Villaronga, Johnny Villastrigo,

		Juanita Wallace, Milton Gerard Washington. (Attachments: # 1 Proposed Order)(Hicks, Max) (Entered: 10/14/2015)
10/16/2015	1320	SUPPLEMENT to 1319 MOTION for Preliminary Injunction by LULAC, Shannon Perez, Margarita V Quesada, Eddie Rodriguez, Texas State Conference of NAACP Branches. (Hicks, Max) (Entered: 10/16/2015)
10/21/2015	1321	Response in Opposition to Motion, filed by Greg Abbott, Carlos Cascos, State of Texas, re 1319 MOTION for Preliminary Injunction filed by Consol Plaintiff Travis County, Plaintiff Sergio Salinas, Consol Plaintiff Romeo Munoz, Consol Plaintiff Betty F Lopez, Consol Plaintiff Eddie Rodriguez, Intervenor Plaintiff Belen Robles, Intervenor Plaintiff Gabriel Y. Rosales, Plaintiff Sandra Puente, Plaintiff Gregory Tamez, Intervenor Plaintiff Raul Villaronga, Intervenor Plaintiff Asenet T. Armadillo, Intervenor Plaintiff Johnny Villastrigo, Plaintiff Wanda F. Roberts, Intervenor Plaintiff Bertha Urteaga, Consol Plaintiff Alex Serna, Consol Plaintiff Milton

		Gerard Washington, Consol Plaintiff Juanita Valdez-Cox, Plaintiff Shannon Perez, Plaintiff Nancy Hall, Plaintiff TJ Carson, Intervenor Plaintiff Texas State Conference of NAACP Branches, Consolidated Intervenor Plaintiff LULAC, Consol Plaintiff City of Austin, Plaintiff Jessica Farrar, Consol Plaintiff John Jenkins, Consol Plaintiff Eliza Alvarado, Consol Plaintiff Bruce Elfant, Consol Plaintiff Nina Jo Baker, Consol Plaintiff Jane Hamilton, Intervenor Plaintiff Patricia Mancha, Intervenor Plaintiff Elvira Rios, Consol Plaintiff Balakumar Pandian, Intervenor Plaintiff Marcelo H. Tafoya, Intervenor Plaintiff Ray Velarde, Consol Plaintiff Sandra Serna, Plaintiff Richard Nguyen Le, Intervenor Plaintiff Baldomero Garza, Intervenor Plaintiff Juanita Wallace, Consol Plaintiff Marc Veasey, Plaintiff Debbie Allen, Plaintiff Carmen Rodriguez, Consol Plaintiff Josey Martinez, Plaintiff Dorothy DeBose, Consol Plaintiff Margarita V Quesada, Consol Plaintiff Lionor Sorola-Pohlman, Intervenor Plaintiff Howard Jefferson, Consol Plaintiff

		Beatrice Saloma, Intervenor Plaintiff Bill Lawson, Consol Plaintiff David Gonzalez, Plaintiff Kathleen Maria Shaw, Plaintiff Jamaal R. Smith *Defendants' Response to Plaintiffs' Conditional Motion For Preliminar Injunction on Implementation of 1023 Redistricting Plans For 2016 Election Cycle* (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Colmenero, Angela) (Entered: 10/21/2015)
10/23/2015	1323	REPLY to Response to Motion, filed by Debbie Allen, Eliza Alvarado, Asenet T. Armadillo, Nina Jo Baker, TJ Carson, City of Austin, Dorothy DeBose, Bruce Elfant, Jessica Farrar, Baldomero Garza, David Gonzalez, Nancy Hall, Jane Hamilton, Howard Jefferson, John Jenkins, LULAC, Bill Lawson, Betty F Lopez, Patricia Mancha, Josey Martinez, Romeo Munoz, Richard Nguyen Le, Balakumar Pandian, Shannon Perez, Sandra Puente, Margarita V Quesada, Elvira Rios, Wanda F. Roberts, Belen Robles, Carmen Rodriguez, Eddie Rodriguez, Gabriel Y. Rosales, Sergio Salinas,

		Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Marcelo H. Tafoya, Gregory Tamez, Texas State Conference of NAACP Branches, Travis County, Bertha Urteaga, Juanita Valdez-Cox, Marc Veasey, Ray Velarde, Raul Villaronga, Johnny Villastrigo, Juanita Wallace, Milton Gerard Washington, re 1319 MOTION for Preliminary Injunction filed by Consol Plaintiff Travis County, Plaintiff Sergio Salinas, Consol Plaintiff Romeo Munoz, Consol Plaintiff Betty F Lopez, Consol Plaintiff Eddie Rodriguez, Intervenor Plaintiff Belen Robles, Intervenor Plaintiff Gabriel Y. Rosales, Plaintiff Sandra Puente, Plaintiff Gregory Tamez, Intervenor Plaintiff Raul Villaronga, Intervenor Plaintiff Asenet T. Armadillo, Intervenor Plaintiff Johnny Villastrigo, Plaintiff Wanda F. Roberts, Intervenor Plaintiff Bertha Urteaga, Consol Plaintiff Alex Serna, Consol Plaintiff Milton Gerard Washington, Consol Plaintiff Juanita Valdez-Cox, Plaintiff Shannon Perez, Plaintiff

		Nancy Hall, Plaintiff TJ Carson, Intervenor Plaintiff Texas State Conference of NAACP Branches, Consolidated Intervenor Plaintiff LULAC, Consol Plaintiff City of Austin, Plaintiff Jessica Farrar, Consol Plaintiff John Jenkins, Consol Plaintiff Eliza Alvarado, Consol Plaintiff Bruce Elfant, Consol Plaintiff Nina Jo Baker, Consol Plaintiff Jane Hamilton, Intervenor Plaintiff Patricia Mancha, Intervenor Plaintiff Elvira Rios, Consol Plaintiff Balakumar Pandian, Intervenor Plaintiff Marcelo H. Tafoya, Intervenor Plaintiff Ray Velarde, Consol Plaintiff Sandra Serna, Plaintiff Richard Nguyen Le, Intervenor Plaintiff Baldomero Garza, Intervenor Plaintiff Juanita Wallace, Consol Plaintiff Marc Veasey, Plaintiff Debbie Allen, Plaintiff Carmen Rodriguez, Consol Plaintiff Josey Martinez, Plaintiff Dorothy DeBose, Consol Plaintiff Margarita V Quesada, Consol Plaintiff Lionor Sorola-Pohlman, Intervenor Plaintiff Howard Jefferson, Consol Plaintiff Beatrice Saloma, Intervenor Plaintiff Bill Lawson, Consol Plaintiff David Gonzalez, Plaintiff

		Kathleen Maria Shaw, Plaintiff Jamaal R. Smith (Hicks, Max) (Entered: 10/23/2015)
11/06/2015	1324	ORDER DENYING 1319 Motion for Preliminary Injunction on Implementation of 2013 Redistricting Plans for 2016 Election Cycle. Signed by Judge Orlando L. Garcia, Judge Jerry E. Smith and Judge Xavier Rodriguez. (aej) (Entered: 11/06/2015)
04/20/2016	1329	ORDER regarding supplemental briefs. Signed by Chief Judge Orlando L. Garcia. (aej) (Entered: 04/20/2016)
05/10/2016	1330	BRIEF regarding 1329 Order by TJ Carson, Dorothy DeBose, Jessica Farrar, Nancy Hall, Richard Nguyen Le, Shannon Perez, Wanda F. Roberts, Carmen Rodriguez, Sergio Salinas, Gregory Tamez. (Attachments: # 1 Exhibit A)(Richards, David) (Entered: 05/10/2016)
05/10/2016	1331	ADVISORY TO THE COURT by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Jose Olivares, Tomacita Olivares,

		Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. (Perales, Nina) (Entered: 05/10/2016)
05/10/2016	1332	SUPPLEMENTAL MEMORANDUM to 1329 Order by Mexican American Legislative Caucus, Texas House of Representatives. (Garza, Jose) (Entered: 05/10/2016)
05/10/2016	1333	BRIEF regarding 1329 Order by Greg Abbott, Carlos Cascos, State of Texas. (Colmenero, Angela) (Entered: 05/10/2016)
05/10/2016	1334	ADVISORY TO THE COURT by United States of America. (Freeman, Daniel) (Entered: 05/10/2016)
07/29/2016	1336	MOTION for Hearing by Debbie Allen, Eliza Alvarado, Nina Jo Baker, TJ Carson, City of Austin, Dorothy DeBose, Bruce Elfant, Jessica Farrar, Baldomero Garza, David Gonzalez, Alexander Green, Nancy Hall, Jane Hamilton, Sheila Jackson-Lee, Howard Jefferson, John Jenkins, Eddie Bernice Johnson, LULAC, Bill Lawson,

		Betty F Lopez, Patricia Mancha, Josey Martinez, Romeo Munoz, Richard Nguyen Le, Rudolfo Ortiz, Balakumar Pandian, Shannon Perez, Sandra Puente, Margarita V Quesada, Elvira Rios, Wanda F. Roberts, Belen Robles, Carmen Rodriguez, Eddie Rodriguez, Gabriel Y. Rosales, Sergio Salinas, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Marcelo H. Tafoya, Gregory Tamez, Texas State Conference of NAACP Branches, Travis County, Bertha Urteaga, Juanita Valdez-Cox, Marc Veasey, Ray Velarde, Raul Villaronga, Johnny Villastrigo, Juanita Wallace, Milton Gerard Washington. (Attachments: # 1 Proposed Order)(Hicks, Max) (Entered: 07/29/2016)
12/30/2016	1337	Joint MOTION for Entry of Judgment under Rule 54(b) by Mexican American Legislative Caucus, Texas House of Representatives. (Attachments: # 1 Exhibit letter)(Garza, Jose) (Entered: 12/30/2016)

01/02/2017	1338	Amended MOTION for Entry of Judgment under Rule 54(b) by Mexican American Legislative Caucus, Texas House of Representatives. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Garza, Jose) (Entered: 01/02/2017)
01/05/2017		Text Order DENYING 1338 Motion for Entry of Judgment under Rule 54(b) entered by Judge Xavier Rodriguez. This case involves a voluminous record. As movants acknowledge within this motion, "The litigants in this cause have had two trials totaling hundreds of hours of testimony and thousands of pages of exhibits and evidence. All pending issues have been briefed extensively." In terms of the record alone, this case includes: over 1300 docket entries, including pleadings, lengthy post-trial briefs, reply briefs, supplemental briefs, proposed fact findings, proposed conclusions of law, argument summaries, and Powerpoint presentations from each of the parties in this case (the post-trial briefs and proposed fact findings and conclusions of law from just two of the many parties–

		Plaintiff Latino Redistricting Task Force and Intervenor United States–total over 1,000 pages); over 10,000 pages of transcripts (including 6,850 pages of transcripts from the trials in this case, not including the interim plan proceedings or any other hearings, thirteen agreed lay witness depositions entered into evidence totaling almost 1,800 pages, and twelve agreed expert witness depositions entered into evidence totaling almost 1,400 pages); approximately 3,000 exhibits, many of which are hundreds of pages long and include numerous lengthy reports, supplemental reports, and rebuttal reports from the twenty-one expert witnesses in this case; as well as numerous disputed proposed deposition excerpts and offers of proof. The relevant case law contains too many pages to count. The Court continues to diligently work through this voluminous record and the complex legal questions presented in this case and will issue an opinion as soon as possible. (This is a text-only entry generated by the court. There is no document

		associated with this entry.) (Entered: 01/05/2017)
01/05/2017		Text Order MOOTING 1337 Motion for Entry of Judgment under Rule 54(b) entered by Judge Xavier Rodriguez. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 01/05/2017)
01/05/2017		Text Order DENYING 1336 Motion for Hearing entered by Judge Xavier Rodriguez. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 01/05/2017)
03/10/2017	1339	MEMORANDUM OPINION AND ORDER on Plan C185 claims. Signed by Judge Xavier Rodriguez and Chief Judge Orlando L. Garcia. Circuit Judge Smith dissenting. (Entered: 03/10/2017)
03/10/2017	1340	FINDINGS OF FACT. Signed by Judge Xavier Rodriguez and Chief Judge Orlando L. Garcia. Circuit Judge Smith dissenting. (Entered: 03/10/2017)

04/05/2017	1352	ORDER, (Status Conference set for 4/27/2017 9:30 AM before Chief Judge Orlando L. Garcia, Judge Xavier Rodriguez, and Circuit Judge Jerry E. Smith). Signed by Judge Xavier Rodriguez. (rf) (Entered: 04/05/2017)
04/12/2017	1358	MOTION *Defendants' Motion to Certify Order for Interlocutory Appeal* by Greg Abbott, Carlos Cascos. (Attachments: # 1 Proposed Order)(Sweeten, Patrick) (Entered: 04/12/2017)
04/12/2017	1359	ORDER On this date, the Court considered various pending motions. Defendants have filed a Motion to Certify Order for Interlocutory Appeal (docket no. 1358), asking the Court to certify its March 10, 2017 Order for interlocutory appeal on the issue of mootness of claims against S.B.4 (Plan C185). So that this motion will be fully briefed and ripe for discussion at the April 27, 2017 status conference, the Court ORDERS that Plaintiffs shall file their responses by 5 p.m. on Friday April 21, 2017, and Defendants shall file any reply by noon on Tuesday April 25, 2017.

		Although the Court has described the April 27 conference as an informal status conference, it will include formal argument on the Motion to Certify, which was filed after the Court issued notice of the status conference. GRANTING 1351 Motion to Withdraw as Attorney. ; GRANTING 1356 Motion to Appear Pro Hac Vice. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order.; GRANTING 1357 Motion to Appear Pro Hac Vice. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Xavier Rodriguez. (rf) (Entered: 04/13/2017)
04/20/2017	1364	FACT FINDINGS - PLAN H283. Signed by Chief Judge Orlando L. Garcia and Judge Xavier

		Rodriguez. (aej) Modified on 4/20/2017 to add signing judge (aej). (Entered: 04/20/2017)
04/20/2017	1365	ORDER on Plan H283. Signed by Chief Judge Orlando L. Garcia, Judge Xavier Rodriguez and Circuit Judge Jerry E. Smith dissenting. (aej) Modified on 4/24/2017 to reflect all judges(aej). (Entered: 04/20/2017)
04/21/2017	1366	Response in Opposition to Motion, filed by Debbie Allen, Eliza Alvarado, Asenet T. Armadillo, Nina Jo Baker, Mary K. Brown, Joey Cardenas, TJ Carson, Florinda Chavez, City of Austin, Sergio Coronado, Armando Cortez, Renato De Los Santos, Dorothy DeBose, Bruce Elfant, Jessica Farrar, Baldomero Garza, David Gonzalez, Alexander Green, Nancy Hall, Jane Hamilton, Gilberto Hinojosa, Sheila Jackson-Lee, Howard Jefferson, John Jenkins, Alex Jimenez, Eddie Bernice Johnson, Dr. Dottie Jones, Lyman King, LULAC, Bill Lawson, Betty F Lopez, Patricia Mancha, Josey Martinez, Emelda Menendez, Mexican American Legislative Caucus, Texas House of Representatives, Romeo Munoz,

		Richard Nguyen Le, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Balakumar Pandian, Shannon Perez, Sandra Puente, Margarita V Quesada, Socorro Ramos, Elvira Rios, Wanda F. Roberts, Belen Robles, Carmen Rodriguez, Eddie Rodriguez, Gabriel Y. Rosales, Sergio Salinas, Beatrice Saloma, Alex Serna, Sandra Serna, Kathleen Maria Shaw, Jamaal R. Smith, Lionor Sorola-Pohlman, Marcelo H. Tafoya, Gregory Tamez, Texas Democratic Party, Texas Latino Redistricting Task Force, Texas Legislative Black Caucus, Texas State Conference of NAACP Branches, Gilberto Torres, Travis County, US Congressman Henry Cuellar, Bertha Urteaga, Cynthia Valadez, Juanita Valdez-Cox, Marc Veasey, Ray Velarde, Raul Villaronga, Johnny Villastrigo, Juan Ivett Wallace, Juanita Wallace, Milton Gerard Washington, Cesar Eduardo Yevenes, re 1358 MOTION *Defendants' Motion to Certify Order for Interlocutory Appeal* filed by Defendant Carlos

		Cascos, Defendant Greg Abbott *(JOINT)* (Hebert, J.) Modified on 4/24/2017 to update filers per attorney's request(aej). (Entered: 04/21/2017)
04/21/2017	1367	RESPONSE to Motion, filed by United States of America, re 1358 MOTION *Defendants' Motion to Certify Order for Interlocutory Appeal* filed by Defendant Carlos Cascos, Defendant Greg Abbott (Freeman, Daniel) (Entered: 04/21/2017)
04/27/2017	1381	Minute Entry for proceedings held before Chief Judge Orlando L. Garcia: Status Conference held on 4/27/2017 (Minute entry documents are not available electronically.). (Court Reporter Karl Myers, Pam Andalosa, Chris Poage.)(aej) (Entered: 04/27/2017)
05/01/2017	1385	ORDER DENYING 1358 Motion to Certify Order for Interlocutory Appeal. Signed by Judge Jerry E. Smith, Chief Judge Orlando L. Garcia and Judge Xavier Rodriguez. (aej) (Entered: 05/01/2017)
05/01/2017	1387	ORDER GRANTING IN PART AND DENYING IN PART 996 Motion for Summary

		Judgment. Signed by Judge Xavier Rodriguez, Chief Judge Orlando L. Garcia and Judge Jerry E. Smith (aej) (Entered: 05/01/2017)
05/01/2017	1389	SCHEDULING ORDER: Trial set for July 10, 2017. (Entered: 05/01/2017)
05/02/2017	1390	AMENDED ORDER on Plan C185. Signed by Chief Judge Orlando L. Garcia and Judge Xavier Rodriguez and Judge Jerry E. Smith dissenting. (aej) Modified on 5/3/2017 (aej). (Entered: 05/02/2017)
05/03/2017		Notice of Correction:***NOTIFIED COUNSEL THAT ENTRY HAS BEEN EDITED TO REFLECT CORRECT SIGNING JUDGES*** re 1390 Order. (aej) (Entered: 05/03/2017)
05/22/2017	1395	ORDER for supplemental briefing. Signed by Judge Xavier Rodriguez on behalf of the panel. (Entered: 05/22/2017)
05/25/2017	1397	ADVISORY TO THE COURT by Greg Abbott, Carlos Cascos. (Sweeten, Patrick) (Entered: 05/25/2017)

06/06/2017	1411	BRIEF regarding 1395 Order by US Congressman Henry Cuellar. (Rios, Rolando) (Entered: 06/06/2017)
06/06/2017	1412	ADVISORY TO THE COURT by TJ Carson, Dorothy DeBose, Jessica Farrar, Nancy Hall, Richard Nguyen Le, Shannon Perez, Wanda F. Roberts, Carmen Rodriguez, Sergio Salinas, Gregory Tamez. (Richards, David) (Entered: 06/06/2017)
06/06/2017	1413	BRIEF by Greg Abbott, State of Texas. (Sweeten, Patrick) (Entered: 06/06/2017)
06/06/2017	1414	BRIEF by Debbie Allen, Jane Hamilton, John Jenkins, Lyman King, Romeo Munoz, Sandra Puente, Margarita V Quesada, Kathleen Maria Shaw, Jamaal R. Smith, Marc Veasey. (Hebert, J.) (Entered: 06/06/2017)
06/06/2017	1415	BRIEF by Eliza Alvarado, Nina Jo Baker, Bruce Elfant, David Gonzalez, Betty F Lopez, Josey Martinez, Balakumar Pandian, Eddie Rodriguez, Beatrice Saloma, Alex Serna, Sandra Serna, Lionor Sorola-Pohlman, Juanita Valdez-Cox, Milton Gerard

		Washington. (Spiva, Bruce) (Entered: 06/06/2017)
06/06/2017	1416	BRIEF by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Rudolfo Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. (Perales, Nina) (Entered: 06/06/2017)
07/02/2017	1445	STIPULATION *of Facts No. 2 Regarding Quesada Plaintiffs' Residency between Quesada Plaintiffs and Defendants* by Debbie Allen, Jane Hamilton, John Jenkins, Lyman King, Romeo Munoz, Sandra Puente, Margarita V Quesada, Kathleen Maria Shaw, Jamaal R. Smith, Marc Veasey. (Hebert, J.) (Entered: 07/02/2017)
07/10/2017	1483	Minute Entry for proceedings held before Chief Judge Orlando L. Garcia, Judge Xavier Rodriguez and Circuit Judge Jerry E. Smith: Bench Trial begun on 7/10/2017 (Minute entry documents are not

		available electronically.), Bench Trial held on 7/10/2017 (Minute entry documents are not available electronically.) (Court Reporter Leticia Rangel/Chris Poage.)(aej) (Entered: 07/11/2017)
07/11/2017	1486	Minute Entry for proceedings held before Chief Judge Orlando L. Garcia, Xavier Rodriguez and Circuit Judge Jerry E. Smith: Bench Trial held on 7/11/2017 (Minute entry documents are not available electronically.), Set Motion Hearing for 1482 Opposed MOTION to Compel *(Emergency Motion to Compel re: Late-Served Privilege Log)* (Motion Hearing set for 7/12/2017 08:00 AM before Chief Judge Orlando L. Garcia, Xavier Rodriguez and Circuit Judge Jerry E. Smith). (Court Reporter Leticia Rangel/Chris Poage.)(aej) (Entered: 07/12/2017)
07/12/2017	1491	Minute Entry for proceedings held before Chief Judge Orlando L. Garcia, Judge Xavier Rodriguez and Circuit Judge Jerry E. Smith: Bench Trial held on 7/12/2017 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel/Chris Poage.)(aej) (Entered: 07/13/2017)

07/13/2017	1493	Minute Entry for proceedings held before Chief Judge Orlando L. Garcia, Judge Xavier Rodriguez and Circuit Judge Jerry E. Smith: Bench Trial held on 7/13/2017 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel/Chris Poage.)(aej) (Entered: 07/14/2017)
07/14/2017	1494	Questions from the Three-Judge Panel to be Addressed at the Conclusion of Trial. Signed by Judge Xavier Rodriguez, Chief Judge Orlando Garcia and Circuit Judge Jerry E. Smith. (aej) (Entered: 07/14/2017)
07/14/2017	1498	Minute Entry for proceedings held before Chief Judge Orlando L. Garcia, Judge Xavier Rodriguez and Circuit Judge Jerry Smith: Bench Trial held on 7/14/2017 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel/Chris Poage.)(aej) (Entered: 07/17/2017)
07/15/2017	1499	Minute Entry for proceedings held before Chief Judge Orlando L. Garcia, Judge Xavier Rodriguez and Circuit Judge Jerry E. Smith: Bench Trial held on 7/15/2017 (Minute entry documents are not

		available electronically.), Bench Trial completed on 7/15/2017 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel/Chris Poage.)(aej) Modified on 7/17/2017 (aej). (Entered: 07/17/2017)
07/31/2017	1522	MOTION for Leave to File Amicus Brief*Post-Trial* by Terry L. Scarborough. by Helen Delavan, Ruben Vasquez Falcon, Heriberto Gonzalez, Sylvia Miluska Gonzalez, Timothy Hardt, William Ballard Hurd. (Attachments: # 1 Exhibit Exhibit, # 2 Proposed Order Proposed Order)(Scarborough, Terry) (Entered: 07/31/2017)
07/31/2017		Text Order GRANTING 1522 Motion for Leave to File Amicus Brief entered by Judge Xavier Rodriguez. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 07/31/2017)
07/31/2017	1524	TRIAL BRIEF by Eliza Alvarado, Asenet T. Armadillo, Nina Jo Baker, City of Austin, Dorothy DeBose, Bruce Elfant, Baldomero Garza, David Gonzalez, Nancy

		Hall, LULAC, Betty F Lopez, Patricia Mancha, Josey Martinez, Rudolfo Ortiz, Balakumar Pandian, Shannon Perez, Elvira Rios, Belen Robles, Carmen Rodriguez, Eddie Rodriguez, Gabriel Y. Rosales, Sergio Salinas, Beatrice Saloma, Alex Serna, Sandra Serna, Lionor Sorola-Pohlman, Marcelo H. Tafoya, Gregory Tamez, Travis County, Bertha Urteaga, Juanita Valdez-Cox, Ray Velarde, Johnny Villastrigo, Milton Gerard Washington. (Hicks, Max) (Entered: 07/31/2017)
07/31/2017	1525	TRIAL BRIEF *Post Trial Brief* by Mexican American Legislative Caucus, Texas House of Representatives. (Garza, Jose) (Entered: 07/31/2017)
07/31/2017	1526	TRIAL BRIEF *Defendants' Post-Trial Brief* by Greg Abbott, Rolando Pablos, State of Texas. (Sweeten, Patrick) (Entered: 07/31/2017)
07/31/2017	1527	TRIAL BRIEF *(Quesada Plaintiffs)* by Debbie Allen, Jane Hamilton, John Jenkins, Lyman King, Romeo Munoz, Sandra Puente, Margarita V Quesada,

		Kathleen Maria Shaw, Jamaal R. Smith, Marc Veasey. (Attachments: # 1 Appendix 1: Quesada Plaintiffs' Answers to Court's Questions)(Gaber, Mark) (Entered: 07/31/2017)
07/31/2017	1528	TRIAL BRIEF *The African-American Congresspersons Plaintiff-Intervenors' Post-Trial Brief* by Alexander Green, Sheila Jackson-Lee, Eddie Bernice Johnson. (Attachments: # 1 Appendix Appendix A)(Bledsoe, Gary) (Entered: 07/31/2017)
07/31/2017	1529	TRIAL BRIEF by Howard Jefferson, Bill Lawson, Texas State Conference of NAACP Branches. (Attachments: # 1 Appendix A: Additional Answers to the Court's Questions)(Riggs, Allison) (Entered: 07/31/2017)
07/31/2017	1531	POST-TRIAL AMICI CURIAE BRIEF by Helen Delavan, Ruben Vasquez Falcon, Heriberto Gonzalez, Sylvia Miluska Gonzalez, Timothy Hardt, William Ballard Hurd. (rf) (Entered: 08/01/2017)
08/01/2017	1530	TRIAL BRIEF *Findings of Fact and Conclusions of Law* by Joey

		Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Alex Jimenez, Emelda Menendez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. (Attachments: # 1 Exhibit 68, # 2 Exhibit 69, # 3 Exhibit 70)(Perales, Nina) (Entered: 08/01/2017)
08/07/2017	1533	ORDER AND ADVISORY. Signed by Judge Xavier Rodriguez. (Entered: 08/07/2017)
08/08/2017	1534	ADVISORY TO THE COURT by Greg Abbott, Rolando Pablos, State of Texas. (Bitter, Adam) (Entered: 08/08/2017)
08/15/2017	1535	ORDER on Plan C235. Signed by Judge Xavier Rodriguez, Chief Judge Orlando Garcia and Circuit Judge Jerry E. Smith. (aej) (Entered: 08/15/2017)
08/18/2017	1536	Appeal of Order entered by District Judge 1535 by Greg Abbott, Rolando Pablos, State of Texas. (Filing fee $ 505 receipt number 0542-9895805) (Sweeten, Patrick) (Entered: 08/18/2017)

08/18/2017	1538	Opposed MOTION to Stay *Order on Plan C235 Pending Appeal of That Order or a Final Judgment* by Greg Abbott, Rolando Pablos, State of Texas. (Attachments: # 1 Proposed Order)(Sweeten, Patrick) (Entered: 08/18/2017)
08/18/2017		Text Order DENYING 1538 Motion to Stay entered by Judge Xavier Rodriguez on behalf of the unanimous panel. The motion to stay pending appeal is denied. Although the Court found violations in Plan C235, the Court has not enjoined its use for any upcoming elections. The parties are ordered to proceed with preparations for the remedial hearing as previously directed. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 08/18/2017)
08/24/2017	1540	ORDER on Plan H358. Signed by Judge Xavier Rodriguez, Chief Judge Orlando Garcia and Circuit Judge Jerry E. Smith. (aej) Modified on 8/24/2017 to include all judges (aej). (Entered: 08/24/2017)

08/28/2017	1548	ADVISORY. Signed by Judge Xavier Rodriguez, Chief Judge Orlando Garcia and Circuit Judge Jerry E. Smith. (aej) Modified signing judges on 8/28/2017 (aej). (Entered: 08/28/2017)
08/28/2017	1549	Appeal of Order entered by District Judge 1540 by Greg Abbott, Rolando Pablos, State of Texas. (Filing fee $ 505 receipt number 0542-9924294). Attorney Angela V. Colmenero added to party Rolando Pablos(pty:dft) (Colmenero, Angela) (Entered: 08/28/2017)
08/28/2017	1550	Opposed MOTION to Stay *Order on Plan H358 Pending Appeal of That Order or a Final Judgment* by Greg Abbott, Rolando Pablos, State of Texas. (Attachments: # 1 Exhibit Exhibit 1, # 2 Proposed Order) (Colmenero, Angela) (Entered: 08/28/2017)
08/28/2017		Text Order DENYING 1550 Motion to Stay entered by Judge Xavier Rodriguez on behalf of the unanimous panel. The motion to stay pending appeal is denied. Although the Court found violations in Plan H358, the Court

		has not enjoined its use for any upcoming elections. The parties are ordered to proceed with preparations for the remedial hearing as previously directed. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 08/28/2017)
08/28/2017	1551	SUPREME COURT ORDER - IT IS ORDERED that the order of the United States District Court for the Western District of Texas, case No. SA-11-CV-360, entered August 15, 2017, is hereby stayed pending receipt of a response, due on or before Tuesday, September 5, 2017, by 3 p.m., and further order of the undersigned or of the Court. Signed by Associate Justice Samuel A Alito, Jr. (aej) (Entered: 08/29/2017)
09/01/2017	1553	ADVISORY. In accordance with Justice Alito's stay orders, there will be no hearings on September 5 or September 6, 2017. Signed by Judge Xavier Rodriguez. (Entered: 09/01/2017)
09/13/2017	1559	SUPREME COURT ORDER, The application for stay presented to Justice Alito and byhim

		referred to the Court is granted, and it is ordered that the order of the United States District Court for the Western District of Texas, case No. SA-11-CV-360, entered August 15, 2017, is stayed pending the timely filing and disposition of an appeal to this Court. Justice Ginsburg, Justice Breyer, Justice Sotomayor, and Justice Kagan would deny the application. Signed by Justice Alito. (aej) Modified docket text on 9/13/2017 (aej). (Entered: 09/13/2017)
09/13/2017	1560	SUPREME COURT ORDER, The application for stay presented to Justice Alito and by him referred to the Court is granted, and it is ordered that the order of the United States District Court for the Western District of Texas, case No. SA-11-CV-360, entered August 24, 2017, is stayed pending the timely filing and disposition of an appeal to this Court. Justice Ginsburg, Justice Breyer, Justice Sotomayor, and Justice Kagan would deny the application. Signed by Justice Alito. (aej) Modified docket text on 9/13/2017 (aej). (Entered: 09/13/2017)

09/14/2017	1561	Appeal of Order entered by District Judge 886, 1430, 1535, 1540, 285, 1104 by Gilberto Hinojosa, Texas Democratic Party. (Filing fee $ 505 receipt number 0542-9982017) (Dunn, Chad) (Entered: 09/14/2017)
09/14/2017	1562	Appeal of Order entered by District Judge 1535 by Mexican American Legislative Caucus, Texas House of Representatives. No filing fee submitted (Garza, Jose) (Entered: 09/14/2017)
09/14/2017	1563	Appeal of Order entered by District Judge 1535 by Joey Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Jose Olivares, Tomacita Olivares, Alejandro Ortiz, Rebecca Ortiz, Gregorio Benito Palomino, Socorro Ramos, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. No filing fee submitted (Perales, Nina) (Entered: 09/14/2017)
09/14/2017	1564	Joint Appeal of Order entered by District Judge 1535, 285 by Debbie Allen, Asenet T. Armadillo, Baldomero Garza, Jane Hamilton,

		John Jenkins, Lyman King, LULAC, Patricia Mancha, Romeo Munoz, Sandra Puente, Margarita V Quesada, Elvira Rios, Belen Robles, Gabriel Y. Rosales, Kathleen Maria Shaw, Jamaal R. Smith, Marcelo H. Tafoya, Bertha Urteaga, Marc Veasey, Ray Velarde, Raul Villaronga, Johnny Villastrigo. (Filing fee $ 505 receipt number 0542-9982179) (Gaber, Mark) (Entered: 09/14/2017)
09/14/2017	1565	Joint Appeal of Order entered by District Judge 1535 by Alexander Green, Sheila Jackson-Lee, Howard Jefferson, Eddie Bernice Johnson, Bill Lawson, Texas State Conference of NAACP Branches. (Filing fee $ 505 receipt number 0542-9982181) (Riggs, Allison) (Entered: 09/14/2017)
09/25/2017	1566	Appeal of Order entered by District Judge 1540 by Mexican American Legislative Caucus, Texas House of Representatives. No filing fee submitted (Garza, Jose) (Entered: 09/25/2017)
09/25/2017	1567	Appeal of Order entered by District Judge 1540 by Joey

		Cardenas, Florinda Chavez, Sergio Coronado, Armando Cortez, Renato De Los Santos, Alex Jimenez, Emelda Menendez, Alejandro Ortiz, Rebecca Ortiz, Gregorio Benito Palomino, Socorro Ramos, Texas Latino Redistricting Task Force, Gilberto Torres, Cynthia Valadez, Cesar Eduardo Yevenes. No filing fee submitted (Perales, Nina) (Entered: 09/25/2017)
09/25/2017	1568	Appeal of Order entered by District Judge 1540 by Howard Jefferson, Bill Lawson, Texas State Conference of NAACP Branches. (Filing fee $ 505 receipt number 0542-10014603) (Maffetore, Jaclyn) (Entered: 09/25/2017)
09/27/2017	1569	Appeal of Order entered by District Judge 886, 1535, 285, 1104 by John T Morris.*Pro Se* (Morris, John) (Entered: 09/27/2017)

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, *et al.*,	)	
	)	CIVIL
Plaintiffs,	)	ACTION NO.
	)	SA-11-CA-360-
v.	)	OLG-JES-XR
	)	[Lead case]
STATE OF TEXAS, *et al.*,	)	
	)	
Defendants.	)	
	)	
	)	
JOHN T. MORRIS,	)	CIVL
	)	ACTION NO.
Plaintiff,	)	SA-11-CA-615-
	)	OLG-JES-XR
v.	)	[Consolidated
	)	case]
STATE OF TEXAS, et al.,	)	
	)	
Defendants.	)	
	)	
	)	
TEXAS LATINO	)	
REDISTRICTING	)	CIVIL
TASK FORCE, et al.,	)	ACTION NO.
	)	SA-11-CV-490-
Plaintiffs,	)	OLG-JES-XR
	)	[Consolidated
v.	)	case]

RICK PERRY,	)	
	)	
Defendant.	)	
	)	
MARAGARITA V. QUESADA, et al.,	)	CIVIL ACTION NO. SA-11-CA-592-OLG-JES-XR [Consolidated case]
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
RICK PERRY, et al.,	)	
	)	
Defendants	)	
	)	
MEXICAN AMERICAN LEGISLATIVE CAUCUS, TEXAS HOUSE OF REPRESENTATIVES (MALC),	)	CIVIL ACTION NO. SA-11-CA-361-OLG-JES-XR [Consolidated case]
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
STATE OF TEXAS, et al.,	)	
	)	
Defendants.	)	
	)	
EDDIE RODRIGUEZ, et al.	)	CIVIL ACTION NO. SA-11-CA-635-OLG-JES-XR
	)	
Plaintiffs,	)	
	)	

v.	)	[Consolidated
	)	case]
RICK PERRY, et al.,	)	
	)	
Defendants.	)	

PLAINTIFF'S JOHN MORRIS' OPPOSED SECOND AMENDED COMPLAINT

COME NOW Plaintiff John T. Morris, a qualified voter of the State of Texas and resident of Harris County in said state brings this AMENDED action on behalf of himself in respect to the 2011 redistricting maps and the newly enacted 2013 redistricting maps. It is this plaintiff's contention that these maps that are drawn in a manner, that do not follow accepted proper district boundary criteria, create logistical and geographic distortions and informational complications that place a burden on the plaintiff's first amendment speech, press and assembly rights and are an "imposition on fundamental constitutional rights" (Speiser v. Randall, 357 U.S. 523), and the plaintiff's right to vote and all of which are protected by the United States Constitution and the fourteenth amendment which guarantees these same rights to the citizens of the states. And the plaintiff further contends that the 2013 maps in particular represent mid-decennial redistricting which also violates these same above mentioned rights in that mid-decennial redistricting adds an element of uncertainty into the utility of this plaintiff's rights. And the plaintiff further contends that this right to vote for the candidate of his choice is violated when redistricting removes a candidate from his reach unnecessarily. And the plaintiff further

contends that a standard in which to recognize these burdens on this plaintiff's rights are easily ascertained in the observation of the departure from accepted district map criteria where the greater the departure from these criteria the greater the burden on a voter's rights and in order to allow voters who have voted for a candidate in a previous election are allowed to vote in the subsequent election, and not abandon their first amendment historical experiences in respect to the incumbent, the state must redistrict in such a manner as to allow as many voters as possible who have voted for or against an incumbent in a previous election to vote again for or against this same incumbent; a departure from which would be easily recognized when a district that may conform to accepted criteria is shifted markedly to a new location.

I. JURISDICTION & VENUE

1. Plaintiff's complaint raises questions arising under the United States Constitution and state and federal law.

2. This court has original jurisdiction pursuant to 28 U.S.C. Sections 1331, 1343 (a)(3) and (4) and 1357; and 42 U.S.C. Section 1983 and 1988.

3. This courts jurisdiction is invoked pursuant to 28 U.S.C. Section 1391 (b).

4. Plaintiff's claim for declaratory and injunctive relief is authorized by 28 U.S.C. Sections 2201 and 2202.

5. Plaintiff requests a three-judge panel pursuant to 28 U.S.C. Section 2284.

II. PARTIES

6. Plaintiff John T Morris is a naturalized citizen of the United States and registered voter and resides in Harris County of the State of Texas within the jurisdiction of the U.S. District Court – Southern District of Texas, and has standing to bring this action under 42 U.S.C. Section 1983.

7. Defendants are the State of Texas and the officials thereof who have duties and responsibilities under the laws of the state to redistrict congressional districts following the decennial census.

8. Defendant Rick Perry is the Governor of the State of Texas and under Article IV, Section 1, of the Constitution of the State of Texas, is the chief executive officer of the Defendant State of Texas. He is sued in his official capacity.

9. Defendant John Steen is the Secretary of State for the State of Texas and is responsible under the laws of the state to oversee the conduct of elections. He is sued in his official capacity.

III. FACTS

10. After the decennial Census, which is used to provide for the reapportionment of the U.S. House of Representatives, the State of Texas, as well as the other 50 states, must redraw district boundaries in accordance with changes in population densities and/or increases or decreases in the number of apportioned representatives. On the 1st of June, 2011, the Houston Chronicle reported "After five months and almost no public debate, the House and Senate redistricting committee chairs have finally

released a joint map for congressional redistricting". The Texas legislature enacted redistricting plans that were presented to both the Texas House of representatives and the Texas Senate.

14. The plaintiff, John T. Morris, is a citizen and registered voter in the 2nd Congressional district and resides and is domiciled in Harris County, Texas and his home address is 5703 Caldicote St., Humble, Texas 77346.

15. Due to the unexplained secrecy with which the House and Senate redistricting committees conducted the process of redrawing the new congressional map the plaintiff came late to understand that the 2nd Congressional district had been altered drastically. Whereas the 2nd district included all of Jefferson county and the greater part of Liberty county, the district is now entirely within Harris county and has lost approximately one-half of the area it formerly covered to the East of the city of Houston and is now enlarged to West of the city of Houston.

16. On July 20, 2011 this complaint and a number of others were consolidated into Perez v. Perry, SA-11-CA-360 and set in San Antonio.

17. On August 17, 2011 State of Texas defendant filed a motion to dismiss this claim based on standing, a nonjusticiable political question and subject matter jurisdiction (Dk# 209).

18. On September 2nd, 2011 after opposing briefs were filed court granted State's motion to dismiss the claim

filed by Plaintiff John T. Morris stating that "Mr. Morris does not propose any standard by which to measure such a burden,"(Dkt. #285 in 11-CA- 360).

19. On October 3rd, 2011 Court grants motion for reconsideration (Dkt. #388) by Texas Democratic Party and Boyd Richie (Dkt. #384) which was also joined by John T. Morris (Dkt. #386).

20. After elections based on interim maps, A D.C. Court opinion and a number of appeals to the Supreme Court the Texas legislature abandoned its 2011 enacted maps and on June 26, 2013 adopted the interim maps drawn for the 2012 election as the states permanent maps.

21. District 2 of the Congressional map in the newly enacted map is roughly the same as in the 2011 Congressional map and is consequently also drastically different from the map used prior to 2011.

22. On July 1, 2013, in a hearing, the Court dismissed the State's motion to dismiss the consolidated case SA-11-CA-360 and in an order gave parties the option to file amended claims.

23. Article I, Section 2 of the United States Constitution calls for representatives to be "composed of Members to be chosen every Second year by the people...". The purpose of having elections every two years for the U.S. House of Representatives, as clearly stated by the framers of the Constitution in the Federalist papers and elsewhere, is to provide the people with "frequent elections," which is based on the First

Amendment rights of freedom of speech, freedom of the press and the right of assembly, in order to allow these representative's constituents to appraise the performance of the said representatives in order to ascertain whether they wished to vote for them once again.

24. The changes made to the district boundaries by the Republican dominated legislature are based on a stated partisan desire to add voters who are known to be sympathetic to Republican candidates and their political views. This gerrymandering of the district boundaries has the effect of swamping out the countervailing political voices of those who voted in the previous election and who have been represented by the Congressman and are familiar with his performance and is an imposition on the First Amendment rights of the voter.

25. Gerrymandering is carried out with an indifference to the democratic principle of "frequent elections" which is based on the First Amendment speech, press and assembly rights of the voters. Gerrymandering will allow the representative to return to the 2nd district after new district lines have been drawn and effectively be appraised, to a large extent, by a new majority of sympathetic partisan voters who will be largely unfamiliar with the representative and his performance during the previous term.

26. Gerrymandering further undermines the fact of a representative being elected only every two years when the representative's party has drawn the lines of the representative's district. The Republican party, in this case, states openly that they are selecting new boundaries

in order to incorporate voters into the newly formed districts to give Republican representatives a near certain probability of being reelected. The principle of "frequent elections" and the First Amendment rights that it is based upon in respect to the right to vote is negated since the whole purpose of the Texas Republican party's effort is to, in effect, guarantee four year terms for its fellow congressional party members immediately after the redistricting and obviously also to increase these guaranteed elections for as many years as possible.

27. The plaintiff asks the Court to intervene in the redistricting process and prevent the the Texas legislature and governor from adopting the interim maps and changing the plaintiff's district boundaries as little as possible and only to the extent necessary to accommodate the four new districts apportioned to the state of Texas in accordance with the 2010 census. And in so doing prevent the Republican controlled government of Texas from undermining the purposes of Article I, Section 2, Clause 1 of the U.S. Constitution requiring frequent elections which is based on First Amendment principles and in effect abridging the plaintiff's right to an effective political voice in respect to his representative's candidacy for a new term in the U.S. House of Representatives.

28. The newly enacted 2013 maps are in effect mid-decennial maps and once again are enacted based on partisan interests and fail in respect to First Amendment rights in the same manner as the 2011 maps.

29. Mid-decennial maps that are drawn at the will of the State and with partisan objectives can and will create

uncertainties for voters who wish to continue to vote for or against their incumbent representative in respect to First Amendment rights that are embedded in the "frequent election" principle.

30. The deviations from respected and accepted district map criteria are directly related to First Amendment rights in the sense that the greater the deviation the greater the imposition on these First Amendment rights of freedom of speech, freedom of the press and freedom of assembly. And when a district, though it conforms to accepted criteria, is wholly relocated noticeably for no justifiable reason this to constitutes an imposition on the First Amendment rights of the voter in respect to the principle of frequent elections where the voter uses his or her political knowledge and experiences to assess the performance of his or her incumbent in a subsequent election.. These facts and an assessment as to how many voters are allowed to vote in subsequent elections who voted in previous elections creates an easily ascertained standard by which to measure the burden on the rights of the voters in respect to partisan gerrymandering.

31. Since the motion for reconsideration is still pending the facts 23 through 30 constitute in addition to their common purpose a restating of the plaintiff's pleading to be preserved on appeal.

IV CAUSES OF ACTION

First Cause of Action:

30.. Plaintiff realleges and incorporates paragraphs 1-29.

31. Plaintiff claims a violation of his First Amendment rights to political speech, freedom of the press and right of assembly as guaranteed by the 14th Amendment.

Second Cause of Action:

32. Plaintiff realleges and incorporates paragraphs 1-29.

33. Plaintiff claims a violation of his First Amendment right to a fair and effective vote as guaranteed by the 14th Amendment.

Third Cause of Action:

34. Plaintiff realleges and incorporates paragraphs 1-29.

35. Plaintiff claims that facts set forth above demonstrate a violation of the intent of Section 2, of Article I of the United States Constitution.

V PRAYER FOR RELIEF

In light of the foregoing facts and claims, the plaintiff respectfully requests the following relief:

A. That the court request the convening of a three-judge court pursuant to 28 U.S.C. Section 2284.

B. Declare the current 2013 plan for the Texas Congressional districts to be unconstitutional and enjoin its use in any further elections.

C. Grant plaintiff reasonable fees and costs pursuant to 28 U.S.C. Section 2412..

D. Grant such other relief as may be necessary and proper.

/s/ John T. Morris
John T. Morris
5703 Caldicote St.
Humble, TX 77346
281-852-6388

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, HAROLD DUTTON, JR. and GREGORY TAMEZ,	)	
Plaintiffs	)	CIVIL ACTION NO. SA-11-CA-360-OLG-JES-XR [Lead case]
v.	)	
STATE OF TEXAS; RICK PERRY, in his official capacity as Governor of the State of Texas; DAVID DEWHURST, in his Official capacity as Lieutenant Governor of the State of Texas; JOE STRAUS, in his official Capacity as Speaker of the Texas House of Representatives; JOHN STEEN, in his official capacity as Secretary of the State of the State of Texas,	)	
Defendants	)	
MEXICAN AMERICAN LEGISLATIVE CAUCUS, TEXAS HOUSE OF REPRESENTATIVES (MALC),	)	

Plaintiffs	)	CIVIL
	)	ACTION No.
v.	)	SA-11-CA-
	)	361-OLG-JES
STATE OF TEXAS; RICK	)	XR
PERRY, in his official capacity	)	[Consolidated
as Governor of the State of	)	case]
Texas; DAVID DEWHURST, in	)	
his official capacity as Lieutenant	)	
Governor of the State of Texas;	)	
JOE STRAUS, in his official	)	
capacity as Speaker of the Texas	)	
House of Representatives,	)	
	)	
Defendants	)	
	)	
	)	
TEXAS LATINO	)	
REDISTRICTING TASK	)	
FORCE, JOEY CARDENAS,	)	
ALEX JIMENEZ, EMELDA	)	
MENENDEZ, TOMACITA	)	
OLIVARES, JOSE OLIVARES,	)	
ALEJANDRO ORTIZ,	)	
REBECCA ORTIZ,	)	
FLORINDA CHAVEZ,	)	
ARMANDO CORTEZ, CESAR	)	
EDUARDO YEVENES,	)	
GREGORIO BENITO	)	
PALOMINO, RENATO DE	)	
LOS SANTOS, GILBERTO	)	
TORRES, SOCORRO RAMOS,	)	
SERGIO CORONADO and	)	

CYNTHIA VALADEZ,	)	
	)	
Plaintiffs	)	CIVIL
	)	ACTION NO.
v.	)	SA-11-CA-
	)	490-OLG-JES-
RICK PERRY, in his official capacity as Governor of the State of Texas; HOPE ANDRADE, in her official capacity as Secretary of State of the State of Texas,	)	XR
	)	[Consolidated
	)	case]
	)	
	)	
Defendants	)	

FOURTH AMENDED COMPLAINT OF PLAINTIFFS TEXAS LATINO REDISTRICTING TASK FORCE, ET AL.

TO THE HONORABLE UNITED STATES DISTRICT COURT:

I. INTRODUCTION

1. Plaintiffs are an association and individual registered voters that seek, on behalf of themselves and their members, declaratory and injunctive relief to enforce the Fourteenth and Fifteenth Amendments to the United States Constitution and the Voting Rights Act of 1965.

2. Plaintiffs seek a declaratory judgment that the 2011 Texas congressional (Plan C185) and Texas House of Representatives (Plan H283) redistricting plans and

the alterations made to House District (HD) 90 in the 2013 Texas House of Representatives redistricting plan (Plan H358) violate their civil rights by unlawfully diluting the voting strength of Latinos. Plaintiffs further seek a declaratory judgment that the 2011 Texas congressional and Texas House of Representatives redistricting plans and the alterations made to HD 90 in Plan H358 discriminate against them on the basis of race and national origin. Plaintiffs seek a permanent injunction prohibiting the calling, holding, supervising or certifying of any future congressional or Texas House elections under the 2011 redistricting plans or the 2013 Texas House of Representatives redistricting plan. Plaintiffs seek the creation of congressional and Texas House redistricting plans that will not cancel out, minimize or dilute the voting strength of Latino voters in Texas. Plaintiffs fu rther seek an order subjecting Texas to the preclearance requirement of section 5 of the Voting Rights Act under 42 U.S.C. § 1973a(c) (section 3(c) of the Voting Rights Act). Plaintiffs also seek costs and attorneys' fees.

II.
JURISDICTION

3. Jurisdiction is based upon 28 U.S.C. 1343a (3) & (4) and upon 28 U.S.C. 1331 for causes of action arising from 42 U.S.C. 1973 and 1973c. Jurisdiction for Plaintiffs' claim for declaratory relief is based upon 28 U.S.C. 2201 and 2202. Jurisdiction for Plaintiffs' claims under the Fourteenth and Fifteenth Amendments to the U.S. Constitution is based upon 42 U.S.C. Section 1983 and 28 U.S.C. 1331. Jurisdiction for Plaintiffs' claim for attorney's fees is based on 42 U.S.C. Sections 19731(e)

and 1988. Venue is proper in this court under 28 U.S.C. 1391(b).

III.
PLAINTIFFS

4. Plaintiff TEXAS LATINO REDISTRICTING TASK FORCE is an unincorporated association of individuals and organizations committed to securing fair redistricting plans for Texas. Organizational members of the Texas Latino Redistricting Task Force include Hispanics Organized for Political Education (HOPE), the Mexican American Bar Association of Texas, the National Organization for Mexican American Rights, Southwest Voter Registration Education Project, the William C. Velasquez Institute, and Southwest Workers' Union. Individuals who are members of the Task Force member organizations include: Latino registered voters of Texas who are injured by the dilution of Latino voting strength statewide; Latino registered voters of Texas who reside in areas where Latino voting strength has been diluted by redistricting plans H283, C185 and H358; Latino registered voters of Texas who reside in districts that were subjected to race-based redistricting in violation of their rights; and Latino registered voters of Texas who reside in areas where Latino-majority districts should have been created but were not in plans H283 and C185.

5. Plaintiff Joe Cardenas III is Latino and a registered voter of Texas. He resides in Louise, Texas. In plans H283, C185 and H358, Plaintiff Cardenas resides in Texas House District 85 and Congressional District 27.

6. Plaintiff Florinda Chavez is Latina and a registered voter of Texas. She resides in Austin, Texas. In plans H283, C185 and H358, Plaintiff Chavez resides in Texas House District 49 and Congressional District 35.

7. Plaintiff Cynthia Valadez is Latina and a registered voter of Texas. She resides in Austin, Texas. In plans H283, C185 and H358, Plaintiff Valadez resides in Texas House District 51 and Congressional District 35.

8. Plaintiff Emelda Menendez is Latina and a registered voter of Texas. She resides in San Antonio, Texas. In plans H283, C185 and H358, Plaintiff Menendez resides in Texas House District 120 and Congressional District 28.

9. Plaintiff Alejandro Ortiz is Latino and a registered voter of Texas. He resides in San Antonio, Texas. In plans H283, C185 and H358, Plaintiff Ortiz resides in Texas House District 116 and Congressional District 20.

10. Plaintiff Rebecca Ortiz is Latina and a registered voter of Texas. She resides in San Antonio, Texas. In plans H283, C185 and H358, Plaintiff Ortiz resides in Texas House District 116 and Congressional District 20.

11. Plaintiff Armando Cortez is Latino and a registered voter of Texas. He resides in San Antonio, Texas. In plans H283, C185 and H358, Plaintiff Cortez resides in Texas House District 119 and Congressional District 35.

12. Plaintiff Gregorio Benito Palomino is Latino and a registered voter of Texas. He resides in San Antonio, Texas. In plans H283, C185 and H358, Plaintiff Palomino resides in Texas House District 118 and Congressional District 35.

13. Plaintiff Cesar Eduardo Yevenes is Latino and a registered voter of Texas. He resides in Corpus Christi, Texas. In plans H283, C185 and H358, Plaintiff Yevenes resides in Texas House District 32 and Congressional District 27. Plaintiff Yevenes is injured by having the congressional district in which he resides, Congressional District 27, altered so that it is no longer a Latino opportunity district. Plaintiff Yevenes no longer resides in a congressional district in which he has the opportunity to elect his candidate of choice. Plaintiff Yevenes is further injured by having the House District in which he resides reconfigured so that it is no longer a Latino opportunity district. Plaintiff Yevenes resided in Texas House District 33 in the 2010 benchmark House plan. Plaintiff Yevenes no longer resides in a Texas House district in which he has the opportunity to elect his candidate of choice.

14. Plaintiff Jose Olivares is Latino and a registered voter of Texas. He resides in Corpus Christi, Texas. In plans H283, C185 and H358, Plaintiff Olivares resides in Texas House District 34 and Congressional District 27. Plaintiff Olivares is injured by having the congressional district in which he resides, Congressional District 27, altered so that it is no longer a Latino opportunity district. Plaintiff Olivares no longer resides in a

congressional district in which he has the opportunity to elect his candidate of choice.

15. Plaintiff Tomacita Olivares is Latina and a registered voter of Texas. She resides in Corpus Christi, Texas. In plans H283, C185 and H358, Plaintiff Olivares resides in Texas House District 34 and Congressional District 27. Plaintiff Olivares is injured by having the congressional district in which she resides, Congressional District 27, altered so that it is no longer a Latino opportunity district. Plaintiff Olivares no longer resides in a congressional district in which she has the opportunity to elect her candidate of choice.

16. Plaintiff Renato De Los Santos is Latino and a registered voter of Texas. He resides in Dallas, Texas. In plans H283, C185 and H358, Plaintiff De Los Santos resides in Texas House District 111 and Congressional District 6. Plaintiff De Los Santos is injured by the failure to create a Latino-majority congressional district in the Dallas-Fort Worth area that would provide him the opportunity to elect his candidate of choice to Congress. Plaintiff De Los Santos is further injured by race-based redistricting in Plan C185.

17. Plaintiff Alex Jimenez is Latino and a registered voter of Texas. He resides in Fort Worth, Texas. In plans H283, C185 and H358, Plaintiff Jimenez resides in Texas House District 95 and Congressional District 12. Plaintiff Jimenez is injured by the failure to create a Latino-majority congressional district in the Dallas-Fort Worth area that would provide him the opportunity to elect his candidate of choice to

Congress. Plaintiff Jimenez is further injured by race-based redistricting in Plan C185.

18. Plaintiff Gilberto Torres is Latino and a registered voter of Texas. He resides in Uvalde County, Texas. In plans H283, C185 and H358, Plaintiff Torres resides in Texas House District 80 and Congressional District 23 and is injured by having the congressional district in which he resides, Congressional District 23, altered so that it is no longer a Latino opportunity district. Plaintiff Torres no longer resides in a congressional district in which he has the opportunity to elect his candidate of choice. Plaintiff Torres is further injured by race-based redistricting in Plan C185.

19. Plaintiff Socorro Ramos is Latina and a registered voter of Texas. She resides in Socorro, Texas. In plans H283, C185 and H358, Plaintiff Ramos resides in Texas House District 75 and Congressional District 23. Plaintiff Ramos resided in Congressional District 16 in the 2010 benchmark congressional plan. Plaintiff Ramos is injured by having the congressional district in which she resides reconfigured so that she is now located in District 23, which is not a Latino opportunity district. Plaintiff Ramos no longer resides in a congressional district in which she has the opportunity to elect her candidate of choice. Plaintiff Ramos is further injured by race-based redistricting in Plan C185.

20. Plaintiff Sergio Coronado is Latino and a registered voter of Texas. He resides in Canutillo, Texas. In plans H283, C185 and H358, Plaintiff Coronado resides in

Texas House District 78 and Congressional District 16. Plaintiff Coronado is injured by having the House District in which he resides configured so that it does not offer Latino voters the opportunity to elect their candidate of choice. Plaintiff Coronado does not reside in a Texas House district in which he has the opportunity to elect his candidate of choice. Plaintiff Coronado is further injured by race-based redistricting in Plan H283.

21. All plaintiffs are injured by the dilution of Latino voting strength statewide in plans H283, C185 and H358.

22. All plaintiffs are injured by race-based redistricting in plans H283, C185 and H358.

IV.
DEFENDANTS

23. Defendant RICK PERRY is sued in his official capacity as Governor of Texas. Defendant PERRY is the Chief Executive Officer of the State of Texas.

24. Defendant JOHN STEEN is sued in his official capacity as Secretary of State of Texas. Defendant STEEN is the State's election officer and as such is responsible for overseeing the conduct of elections within the State.

V.
FACTS

25. According to the U.S. Census, in 2010 the population of Texas was 25,145,561 with a Latino population of 9,460,921 (38%). The Latino voting age population of

Texas was 34% of the total voting age population. The Latino citizen voting age population of Texas was 25% of the total citizen voting age population. In 2012, the U.S. Census estimated that the population of Texas was 26,059,203 with a total Latino population of 38.2%. Following the 2012 General Election, the Texas Legislative Council reported 13,122,046 registered voters in Texas; 10.3% of the voters are Spanish-surnamed.

26. According to the 2010 Census, approximately 65% of total population growth in Texas between 2000 and 2010 was comprised of Latinos.

27. The redistricting plan in place prior to the 2011 redistricting cycle (the "2010 state house benchmark") for the Texas House of Representatives was ordered into effect on November 28, 2001 by the U.S. District Court for the Eastern District of Texas in *Balderas v. Texas* (No. 6:01CV158).

28. The 2011 redistricting plan for the Texas House of Representatives (Plan H283) was signed into law by Defendant PERRY on June 17, 2011.

29. The 2013 redistricting plan for the Texas House of Representatives (Plan H358) was signed into law by Defendant PERRY on June 26, 2013 and takes effect September 24, 2013.

30. The redistricting plan in place for Texas congressional districts prior to the 2011 redistricting cycle (the "2010 congressional benchmark") was ordered into effect on

August 4, 2006 by the U.S. District Court for the Eastern District of Texas in *LULAC v. Perry* (No. 2:03-00354).

31. The 2011 redistricting plan for Texas congressional districts (Plan C185) was signed into law by Defendant PERRY on July 19, 2011. The 2013 redistricting plan for Texas congressional districts (Plan C235) was signed into law by Defendant Perry on June 26, 2013 and takes effect September 24, 2013.

32. The historical background of Texas House and congressional redistricting includes federal court orders revising Texas's redistricting plans, enacted in 2001 and 2003 respectively, to cure violations of the federal Voting Rights Act.

33. The Legislature's adoption of plans C185 and H283 included departures from the normal procedural sequence and substantive departures from the factors usually considered important by the Legislature in redistricting.

34. During the 82nd Legislature's Regular and Special Sessions, Latino and African American legislators serving on the House and Senate Redistricting Committees were excluded by legislative leadership from the process of drawing and negotiating plans C185 and H283.

35. During the 82nd Legislature's Regular and Special Sessions, Latino and African American residents of Texas were denied the opportunity to analyze and

comment on plans C185 and H283. The House and Senate Redistricting Committees did not hold public hearings following the public release of plans C185 and H283 and prior to voting on plans C185 and H283.

36. Despite the dramatic growth of the Latino population in Texas since 2000, Plan H283 contains one fewer Latino opportunity district when compared to the 2010 benchmark Texas House plan. Under Plan H283, Latinos have lost voting strength in Texas.

37. Plan H283 dilutes Latino voting strength statewide by "packing" Latino voters in El Paso, Cameron, Hidalgo and Nueces counties. Plan H283 fails to create at least three additional Latino-majority House districts that afford Latinos the opportunity to elect their preferred candidate. Plan C185 also uses race as a predominant factor to allocate Latino voters into and out of HD 117 and across districts in El Paso County.

38. On February 28, 2012, the U.S. District Court for the Western District of Texas ordered into effect interim redistricting plans H309 and C235 to address challenges to the 2011 enacted plans that presented a "likelihood of success on the merits" of statutory or constitutional claims or presented "not insubstantial" claims under section 5 of the Voting Rights Act, 42 U.S.C. l973c. *See* Dkt. 690 and 691. Interim plans H309 and C235 were used by Texas for the 2012 election cycle. In the 2013 Regular Session, the Texas Legislature adopted redistricting plans H358 and C235. Enacted Plan C235 contained the same boundaries as interim plan C235. In Plan H358, the

Texas Legislature made several changes to interim plan H309 including changes to the boundaries of HD 90.

39. The Legislature's adoption of plan H358 included departures from the normal procedural sequence and substantive departures from the factors usually considered important by the Legislature in redistricting.

40. During the 83rd Legislature's first Special Session, Plan H358 was adopted as an amendment to SB3 on June 20, 2013, on the floor of the Texas House without consideration of the amendment in committee and without the opportunity for public testimony.

41. The configuration of HD 90 in Plan H358 dilutes Latino voting strength and uses race as a predominant factor to allocate Latino voters into and out of HD 90. In H358, the Texas Legislature changed HD 90 to reduce the number of Latino registered voters and the strength of the Latino vote in HD 90. The changes to HD 90 also reduce the African American citizen voting age population of HD90. The changes to HD 90 in H358 reduce the ability of Latino voters to nominate their preferred candidate in subsequent elections.

42. The significant growth of the Latino population in Texas since 2000 allowed Texas to gain some, if not all of its four new congressional districts. Despite the growth of the Latino population, and the critical role it played in securing the four new congressional districts, Plan C185 contains the same number of Latino

opportunity districts when compared to the 2010 benchmark congressional plan. Plan C185 uses race as a predominant factor to allocate Latino voters into and out of CD 23 and across districts in the Dallas-Fort Worth Metroplex. Plan also C185 dilutes Latino voting strength statewide by "packing" and "fracturing" Latino voters in South Texas, Houston and the Dallas-Fort Worth Metroplex.

43. For example, Plan C185 removes Nueces County, and its more than 200,000 voting-age Latinos, from the South Texas configuration of congressional districts and strands them in a district stretching northward in order to prevent Nueces County Latinos from electing their candidate of choice. In addition to stripping Latinos out of the South Texas configuration of congressional districts, Plan C185 altered Congressional District 23 to prevent Latinos from having the opportunity to elect their candidate of choice. Plan C185 fails to create nine Latino-majority congressional districts that afford Latinos the opportunity to elect their preferred candidate.

44. In the 2010 benchmark congressional plan, Latinos had the opportunity to elect their preferred candidate in 22% (7 of 32) of the state's congressional districts. In Plan C185, Latinos have the opportunity to elect their preferred candidate in 19% (7 of 36) of the state's congressional districts. Thus, despite their growth, in Plan C185 Latinos lost voting strength in Texas.

45. On September 25, 1975, section 5 of the Voting Rights Act of 1965 was extended and amended to cover the

State of Texas. State and political subdivisions covered by the Act must comply with certain specific procedures. Among them is the requirement that all qualifications, prerequisites, standards, practices, or procedures with respect to voting different from those in effect on November l, 1972 must be determined, either by the United States District Court for the District of Columbia or the United States Attorney General, not to have the purpose or effect of denying or abridging the right to vote on account of race, color or membership in a language minority group.

46. The State of Texas was a covered jurisdiction subject to the requirements of section 5 of the Voting Rights Act, as amended, 42 U.S.C. § l973c. On July 27, 2006, President George W. Bush signed into law the Voting Rights Act Reauthorization and Amendments Act of 2006, which extended section 5 for 25 years. On June 25 2013, in *Shelby Cnty., Ala. v. Holder*, 133 S. Ct. 2612 (2013), the U.S. Supreme Court invalidated the reauthorized section 5 geographic coverage formula, codified at 42 U.S.C. 1973b(b).

47. Section 3 (c) of the Voting Rights Act of 1965, 42 U.S.C. 1973a(c) authorizes a federal court, following a finding "that violations of the fourteenth or fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision," may order that the jurisdiction preclear its election changes pursuant to section 5. Section 3 (c) is a permanent provision of the federal Voting Rights Act.

48. Section 2 of the Voting Rights Act of 1965, 42 U.S.C. 1973, applies nationwide and prohibits voting practices and procedures that result in the denial or abridgement of the right of any citizen to vote on account of race, color or membership in a language minority group. Section 2 is a permanent provision of the federal Voting Rights Act.

The 2010 Benchmark Texas Congressional Redistricting Plan

49. There were 32 districts in the 2010 benchmark congressional redistricting plan for Texas. Seven of the congressional districts in the 2010 congressional benchmark plan are Latino majority and offer Latinos the opportunity to elect their candidate of choice.

50. Following the 2010 Census, Texas was apportioned 36 congressional districts.

The 2011 Congressional Redistricting Plan (C185)

51. Plan C185 contains 36 congressional districts and contains an overall population deviation of one.

52. Plan C185 contains 7 districts in which Latinos have the opportunity to elect their preferred candidate to Congress.

53. Plan C185 does not include a Latino-majority congressional district in the Dallas-Fort Worth area. Plan C185 also uses race as a predominant factor to allocate Latino voters across districts in the Dallas-Fort Worth Metroplex.

54. The Latino population of Dallas and Tarrant counties is sufficiently geographically compact to comprise the majority of the voting age persons in a congressional district. The Latino population of Dallas and Tarrant counties is also sufficiently geographically compact to comprise the majority of the citizen voting age persons in a congressional district.

55. A congressional district can be created in the Dallas-Fort Worth area that will afford Latino voters the opportunity to elect their candidate of choice.

56. Plan C185 includes only six congressional districts located in the southern and western portion of the state that offer Latinos the opportunity to elect their candidate of choice. Plan C185 also uses race as a predominant factor to allocate Latino voters into and out of CD 23.

57. The Latino population of Texas is sufficiently geographically compact to comprise the majority of citizen voting age persons in at least seven congressional districts located in the southern and western portion of the state.

58. Seven congressional districts can be created in the southern and western portion of the state that offer Latino voters the opportunity to elect their candidate of choice.

59. Plan C185 includes one Latino-majority congressional district in Harris County.

60. The Latino population of Harris County is sufficiently geographically compact to comprise the majority of citizen voting age persons in one congressional district and the majority of voting age persons in a second congressional district. The Latino and African American population of Harris County is sufficiently geographically compact to comprise the majority of citizen voting age persons in one additional congressional district when compared to the benchmark congressional redistricting plan.

61. Two congressional districts can be created in Harris County that will afford Latino voters the opportunity to elect their candidate of choice.

62. Latinos in Texas, including the areas in which Latino-majority congressional districts can be created, are politically cohesive.

63. Anglos (White Non-Hispanics) vote sufficiently as a bloc to enable them - in the absence of special circumstances, such as the Latino candidate running unopposed - usually to defeat the Latino voters' preferred candidates in Texas, including the areas in which Latino-majority congressional districts can be created.

64. Plan C185 interacts with social and historical conditions to cause an inequality in the opportunity of Latino voters to elect representatives of their choice as compared to Anglo voters.

The 2011 Texas House of Representatives Plan (H283)

65. Plan H283 contains a total of 150 House districts. In Plan H283, 34 House districts contain a majority Latino voting age population and 30 House districts contain a majority Latino citizen voting age population.

66. Plan H283 contains fewer districts in which Latinos have the opportunity to elect their candidate of choice when compared to the 2010 benchmark Texas House redistricting plan. Plan H283 offers less opportunity for Latinos to elect their preferred candidates to the Texas House of Representatives when compared to the 2010 benchmark plan.

67. Plan C185 also uses race as a predominant factor to allocate Latino voters into and out of HD 117 and across districts in El Paso County.

68. The Latino population of Texas is sufficiently geographically compact to comprise the majority of citizen voting age persons in at least 33 Texas House districts.

69. At least 33 Texas House districts can be created in the state that offer Latino voters the opportunity to elect their candidate of choice.

70. Latinos in Texas, including the areas in which Latino-majority Texas House districts can be created, are politically cohesive.

71. Anglos vote sufficiently as a bloc to enable them - in the absence of special circumstances, such as the Latino candidate running unopposed - usually to defeat the Latino voters' preferred candidates in Texas, including the areas in which Latino majority Texas House districts can be created.

72. Plan H283 interacts with social and historical conditions to cause an inequality in the opportunity of Latino voters to elect representatives of their choice as compared to Anglo voters.

The 2013 Texas House of Representatives Plan (H358)

73. HD 90 is the only Latino opportunity House district in Tarrant County. In 2011, the Texas Legislature made changes to HD 90, at the urging of the Texas Latino Redistricting Task Force, to raise the Latino voting strength of HD 90. The Legislature's decision to increase the Latino voting strength of HD 90 was maintained by this Court in its interim redistricting plan for the 2012 elections.

74. In the 2012 Democratic Primary election, the Anglo incumbent of HD 90 was challenged by a Latino candidate. The Anglo incumbent prevailed in the Democratic Primary election by 159 votes and went on to win the General Election in November 2012.

75. Plan H358 changes the court-drawn interim plan by swapping precincts between HD 90 and HD 99.

76. Plan H358 moves 4,397 individuals out of interim HD 90 and places them into HD 99. The population

removed from HD 90 is 44% Latino with a Spanish Surnamed Voter Registration (SSVR) of 20.6%.

77. Plan H358 then moves 4,621 individuals into HD 90 from HD 99. The population added to HD 90 is 33.8% Latino with an SSVR of only 8.5%.

78. The changes to HD 90 result in a decrease in the SSVR of HD 90 from 51.1% to 50.1 %. The changes also reduce the African American citizen voting age percentage of HD 90 from 18% to 16%. Plan H358 also uses race as a predominant factor to allocate Latino voters into and out of HD 90.

79. Plans C185 and H283 and the alterations made to HD 90 in H358 operate to dilute the voting strength of Latinos in the State of Texas.

80. At all times relevant herein, Defendants have acted under color of State law.

VI.
CAUSES OF ACTION
COUNT 1
Equal Protection Clause of the 14th Amendment to the U.S. Constitution

81. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

82. Plans C185, H283, and the alterations made to HD 90 in Plan H358 discriminate against Plaintiffs on the basis of race and national origin in violation of the 14th Amendment to the U.S. Constitution.

COUNT 2

15th Amendment to the U.S. Constitution

83. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

84. Plans C185, H283, and the alterations made to HD 90 in Plan H358 discriminate against Plaintiffs on the basis of race and national origin in violation of the 15th Amendment to the U.S. Constitution.

COUNT 3

Section 2 of the Voting Rights Act

85. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

86. Plans C185, H283, and the alterations made to HD 90 in Plan H358 result in a denial or abridgement of the right to vote of individual plaintiffs and organizational plaintiff's members on account of their race, color, or ethnicity, by having the effect of canceling out or minimizing their individual voting strength as minorities in Texas. Plans C185, H283, and the alterations made to HD 90 in Plan H358 do not afford individual plaintiffs and organizational plaintiffs' members an equal opportunity to participate in the political process and to elect representatives of their choice, and denies individual plaintiffs and organizational plaintiff's members the right to vote in elections without distinction of race, color or previous condition of servitude in violation of 42 U.S.C. Section 1973.

VII.
REQUEST FOR THREE JUDGE COURT

87. Plaintiffs request a three-judge trial court pursuant to 28 U.S.C. Section 2284.

VIII.
ATTORNEYS' FEES

88. In accordance with 42 U.S.C. Sections 1973-1(e) and 1988, Plaintiffs are entitled to recover reasonable attorney's fees, expenses and costs.

IX.
PRAYER

89. WHEREFORE, PREMISES CONSIDERED,

Plaintiffs pray that this Court:

(a) assume jurisdiction of this action and request a three-judge panel pursuant to 28 U.S.C. Section 2284;

(b) issue a declaratory judgment finding that Plans C185, H283, and the alterations made to HD 90 in Plan H358 illegally and unconstitutionally dilute the voting strength of Latino voters in Texas, violate section 2 of the Voting Rights Act and the 14th and 15th Amendments to the U.S. Constitution, and are unlawful, null and void;

(c) permanently enjoin Defendants from calling, holding, supervising or certifying any elections under Plans C185, H283, and H358. Plaintiffs have no adequate remedy at law other than the judicial

relief sought herein, and unless the Defendants are enjoined from using Plans C185, H283 and H358, individual plaintiffs and organizational plaintiff's members will be irreparably harmed by the continued violation of their statutory and constitutional rights;

(d) pursuant to 42 U.S.C. 1973a(c), issue an order requiring Texas to preclear its election changes during the ten-year period following the issuance of such order;

(e) set a reasonable deadline for state authorities to enact or adopt redistricting plans for congressional and Texas House districts that do not dilute, cancel out or minimize the voting strength of Latino voters;

(f) if state authorities fail to enact or adopt valid redistricting plans by the Court's deadline, order new redistricting plans for congressional and Texas House districts that do not dilute, cancel out or minimize the voting strength of Latino voters;

(g) adjudge all costs against Defendants, including reasonable attorneys fees and costs;

(h) retain jurisdiction to render any and all further orders that this Court may;

(i) grant any and all further relief to which Plaintiffs may show themselves to be entitled.

DATED: September 9, 2013

Respectfully submitted,

MEXICAN AMERICAN
LEGAL DEFENSE
AND EDUCATIONAL
FUND

/s/ Nina Perales
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ HAROLD, et al.	)	
Plaintiffs	)	CIVIL
-and-	)	ACTION NO:
	)	SA-11-CA-360-
	)	OLG-JES-XR
MEXICAN AMERICAN LEGISLATIVE CAUCUS, TEXAS HOUSE OF REPRESENTATIVES (MALC)	)	
Plaintiffs	)	
-and-	)	
THE HONORABLE HENRY CUELLAR Member of Congress, CD 28	)	
Plaintiff-Intervenor	)	
v.	)	
STATE OF TEXAS; RICK PERRY, In his official capacity as Governor of the State of Texas and JOHN STEEN, Secretary of State of the State of Texas,	)	
Defendants	)	

Plaintiff-Intervenor Congressman Cuellar's Second Amended Complaint in Intervention

1. This Court granted Congressman Cuellar's Motion to Intervene (Dkt. #42) and on September 6, 2013 (Dkt. #886) granted our motion to amend our pleadings. Movant now files the Second Amended Complaint in Intervention.

2. This is a redistricting lawsuit. This action is brought pursuant to § 2 of the Voting Rights Act, 42 U.S.C. § 1973 et seq., and the Fourteenth and Fifteenth Amendments to the United States Constitution, 42 U.S.C. § 1983. Plaintiff seeks declaratory and injunctive relief against continued use of any congressional redistricting plan that dilutes the voting strength of Latinos and African Americans.

3. Plaintiff also seek relief under Section 3(c) of the Voting Rights Act, 42 U.S.C. § 1973a(c).

4. Plaintiff-Intervenor brings this action requesting declaratory and injunctive relief against the State of Texas.

I. JURISDICTION

5. Plaintiff-Intervenor's complaint arises under the Unites States Constitution and federal statutes. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), and 1988.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

7. Plaintiff-Intervenor seeks declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

8. Plaintiff-Intervenor requests the convening of a three-judge court pursuant to 28 U.S.C. § 2284.

II. PARTIES

9. Plaintiff Congressman Cuellar is a Latino voter from Webb County. He is a United States Congressman and is a member of the Congressional Caucus. Congressman Cuellar has been a strong advocate for the Latino Community and a leader on issues of importance to the South Texas Community.

10. Defendant is the State of Texas. The State of Texas is a political subdivision covered under the provisions of the Voting Rights Act and responsible for the actions of its officials with regard to state-wide redistricting.

11. Defendant Rick Perry is the duly elected and acting Governor of the State of Texas. Under Article IV, Section 1, of the Texas Constitution, he is the chief executive officer of the Defendant State of Texas. He is sued in his official capacity.

12. Defendant John Steen is sued in his official capacity as Secretary of State of the State of Texas. Defendant Steen is the State's chief election officer and as such is responsible for overseeing the conduct of elections within the State.

FACTS

13. During the 2011 redistricting cycle, the State of Texas adopted congressional plan C 185 as the Congressional Plan for future congressional elections;

14. According to the United States Supreme Court, court ordered redistricting plans should be drawn using the state adopted plan (C185) as the starting point and then modified in those areas in which minority rights were being violated, *Perry v. Perez*, 132 S. Ct. 934 at 941 (Jan. 20, 2012);

15. On March 19, 2012 this Court enjoined the State of Texas from using Plan C185 which was adopted by the Defendants during the 2011 Redistricting Process. The injunction ordered the use of Plan C235 for the 2012 elections as an Interim Court Ordered plan (Dkt#691). The injunction was based on this Court's finding that the voting rights claims asserted against C185 under Section 5 of the Federal Voting Rights Act (VRA), 42 USC 1973c, were "not insubstantial" and that C235 addressed some of the concerns (Dkt# 691, p1);

16. Plan C235 was patterned after C216 which was the bi-partisan plan submitted by intervenors Congressmen Cuellar and Conseco; it was the only plan submitted that used Plan C185 as the starting point as required by *Perry, Id*, and then modified to address the voting rights concerns;

17. This Court's injunction allowed the use of C235 as the interim plan; the Court stated that while C235

addressed most of the voting rights concerns, there were remaining issues under Section 2 of the Voting Rights Act that would be addressed later in so far as the continued use of C235, (Dkt#691 at p.55);

18. After the 2012 elections, on August 28, 2012, the three judge court in the District of Columbia issued a comprehensive decision pursuant to Section 5 of the VRA finding that the State of Texas "intentionally discriminated" against minorities in the 2011 redistricting process, *Texas v. United States*, 887 F. Supp. 2d 133, 160-61 (D.D.C. 2012) (hereinafter referred to as the DDC opinion);[1]

19. After the DDC opinion the Governor of Texas called the first 2013 Special Session during which the legislature was to consider adopting a final redistricting plan for future congressional elections;

20. During the public hearings of the special called session the State of Texas was urged by various parties to consider the DDC opinion as it considered adopting C235

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[1] This decision was later vacated in *Shelby County, Alabama v. Holder, No. 12-96* (June 25, 2013) on unrelated grounds – the coverage formula used in the Voting Rights Act was found to be unconstitutional; however, the Supreme Court made it clear that "We issue no holding on § 5 itself, only on the coverage formula." *Id* p. 24 slip opinion. The findings of fact and conclusions of law made by the three judge court in *Texas* were left undisturbed. This court can give those findings the appropriate consideration and we request that judicial notice of these findings be taken into consideration in this case.

as a permanent remedy plan in the context of this § 2 lawsuit;

21. On June 26, 2013, the Defendants ignored the DDC opinion, it's finding of facts and conclusions of law, and adopted C235 (Dkt#768) as the permanent plan for future congressional elections;

22. The findings of the DDC opinion could have been addressed by the Texas Legislature in so far as the decisions impact on the continued use of C235; the State of Texas chose to ignore the opinion;

23. The specific DDC findings in *Texas v. United States*, 887 F. Supp. 2d 133 that should have been addressed and are incorporated herein as if fully stated include the following:

a. 308 specific Findings of Fact and Law, *Id* at 197 through 247; these findings are incorporated herein so far as they related to the congressional districts;

b. The finding of "intentional discrimination" against minorities' by the State of Texas in the drawing of congressional districts, *Id* it 151 & 159;

c. The 30 specific adverse findings concerning Texas' drawing of CD 23, a Latino District, as intentionally drawn to "reduce the effectiveness of the Latino vote", *Id* at 156 and 205 – facts and law #31 through #60 ;

d. The findings concerning CD 20, another Latino District, in which the State of Texas intentional deletion of "economic engines" from the downtown area of the district, *Id* at 160;

e. The legal protections concerning coalition and cross over minority districts, *Id* at 147;

24. These amended pleadings are directed at challenging the use of C235 on the same grounds as the original pleadings - Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 et seq., and the Fourteenth and Fifteenth Amendments to the United States Constitution, 42 U.S.C. § 1983;

25. While this case was proceeding, the United States Supreme Court invalidated Section 5 of the Voting Rights Act, *Shelby County Alabama v. Holder*, 133 S. ct. 2612 (2013); therefore, these amended pleading also seek relief under Sec 3 (c) as a legal alternative to Section 5;

26. Section 3 (c) of the Voting Rights Act of 1965, 42 U.S.C. 1973a(c) authorizes a federal court, following a finding "that violations of the fourteenth or fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision," may order that the jurisdiction preclear its election changes pursuant to Section 5. Section 3 (c) is a permanent provision of the federal Voting Rights Act.

27. These amended pleading amend the original pleading to include the process used in the adoption of C185 and the adoption of C235;

28. Upon information and belief, C235 contains the following minority districts:

a. Six (6) districts in which the Latino community will always elect the candidate of their choice – CD 15, 16, 20, 28, 29, and 34;

b. One (1) marginal district in which the Latino community will elect a candidate of their choice 3 out of 10 times – CD 23;

c. Three (3) districts in which the African American community will always elect a candidate of their choice – CD 30, 18 and 9;

d. One (1) combined minority district in which either the African American or Latino Community will elect a candidate of their choice – CD 33.

e. One (1) crossover district in which Latinos will influence the outcome of the general election – CD 35;

29. The redistricting plan in place for Texas congressional districts prior to the 2011 redistricting cycle (the "2010 congressional benchmark") was ordered into effect on August 4, 2006 by the U.S. District Court for the Eastern District of Texas in *LULAC v. Perry* (No. 2:03-00354);

30. The historical background of Texas Congressional redistricting includes federal court orders revising

Texas's redistricting plans, enacted in 2001 and 2003 respectively, to cure violations of the Federal Voting Rights Act;

31. According to the 2010 Census, the Latino population of Texas grew to 9,460,921 from 6,669,666 in the 2000 census. This was an increase of about 42%. According to the 2010 Census, the minority population of Texas comprised almost ninety percent (90%) of the growth. The Latino population accounted for the lion's share of the growth of the Texas Minority population;

32. In 2012, the US Census estimated that the population of Texas was 26,059,203 with a total Latino population of 38.2%; following the 2012 General Election, the Texas Legislative Council reported 13,122,046 registered voters in Texas; 10.3% of the voters are Spanish-surnamed;

33. Elections in Texas continue to be racially polarized;

34. Latinos generally vote as a group and are politically cohesive;

35. African Americans in Texas generally vote as a group and are politically cohesive.

36. Latinos and African Americans in Texas vote as a coalition and are politically cohesive.

37. Anglos in Texas generally vote as group, are politically cohesive and vote sufficiently as a block to defeat the preferred candidate of Latino and African

American voters absent fair and equitable majority-minority single member districts. This has been documented hundreds of times by federal and state courts, the US Commission on Civil Rights and by the US Congress.

CLAIM FOR RELIEF – DISCRIMINATORY RESULT

38. The allegations contained hereinabove are re-alleged re-averred as if fully set forth herein.

39. The election practices and procedure used to apportion the United States Congressional Districts, violates the rights of Latino voters in violation of Section 2 of the Voting Rights Act as well as the 14th and 15th Amendments of the United States Constitution and 42 U.S.C. § 1983.

BASIS FOR EQUITABLE RELIEF

40. Currently Plaintiff-Intervenor has no plain, adequate or complete remedy at law to redress the wrongs alleged herein and this suit for declaratory judgment and injunctive relief is their only means of securing adequate redress from all of the Defendants' unlawful practices.

41. Plaintiff-Intervenor will continue to suffer irreparable injury from all of the Defendants' intentional acts, policies, and practices set forth herein unless enjoined by this Court.

ATTORNEYS FEES COSTS AND EXPENSES

42. This is an appropriate case for the assessment of attorney fees, costs and expenses.

PRAYER

Plaintiff Intervenor respectfully prays that this Court enter Judgment granting:

A. A declaratory judgment that State Defendants' actions violate the rights of Plaintiff as protected by Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 et seq. and that Defendants Perry violated the rights of Plaintiff as protected by the 14th and 15th Amendments to the United States Constitution and 42 U.S.C. § 1983;

B. Preliminary and permanent injunctive relief requiring State Defendants, their successors in office, agents, employees, attorneys and those persons acting in concert with them and/or at their discretion - to develop redistricting plans that do not dilute Latino and minority voting strength for the United States House of Representatives, and to implement a districting plan and also enjoining and forbidding the use of a redistricting plan that dilutes the voting strength of minoirites;

C. An order requiring all Defendants to comply with Sections 2 and Section 3 (c) requirements of the Voting Rights Act;

E. The costs of this suit and reasonable attorneys fees and litigation expenses, including expert witness fees and expenses, pursuant to 42 U.S.C. §§ 1973l(e) and 1988.

F. An order of this Court retaining jurisdiction over this matter until all Defendants have complied with all orders and mandates of this Court; and

G. Such other and further relief as the Court may deem just and proper.

DATED: September 12, 2013

Respectfully Submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, et al., Plaintiffs, v. STATE OF TEXAS, et al., Defendants.	§ § § § § § §	CIVIL ACTION NO. 11-CA-360- OLG-JES-XR [Lead case]

MEXICAN AMERICAN LEGISLATIVE CAUCUS, TEXAS HOUSE OF REPRESENTATIVES, Plaintiffs, v. STATE OF TEXAS, et al., Defendants.	§ § § § § § § § § § §	CIVIL ACTION NO. SA-11-CA- 361-OLG-JES- XR [Consolidated case]

TEXAS LATINO REDISTRICTING TASK FORCE, et al., Plaintiffs,	§ § § § §	CIVIL ACTION NO.

v.	§	SA-11-CA
	§	490-OLG-JES-
RICK PERRY,	§	XR
Defendants.	§	(Consolidated
	§	case]

MARGARITA V. QUESADA, et al.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL
	§	ACTION NO.
RICK PERRY, et al.,	§	SA-11-CA-592-
Defendants.	§	OLG-JES-XR
	§	[Consolidated
	§	Case]

EDDIE RODRIGUEZ, et al.,	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL
	§	ACTION NO.
RICK PERRY, et al.,	§	SA-11-CA-635-
Defendants.	§	OLG-JES-XR
	§	[Consolidated
	§	Case]
	§	

LULAC INTERVENORS THIRD AMENDED COMPLAINT

appropriate, other electoral standards and practices from those in force or effect in 2011 when this case commenced may be enforced unless and until this Court or the United States Attorney General determines that such change has neither the purpose nor the effect of denying or abridging the voting rights of minority voters.

Parties

2. The following plaintiffs bring this suit:

a. The League of United Latin American Citizens ("LULAC"), founded in 1929, is the oldest and largest Latino civil rights organization in the United States. LULAC is a non-profit organization with presence in most of the fifty states and Puerto Rico. LULAC has chapters in almost all counties in Texas and individual members in almost all of the counties. LULAC has long been active in representing Latinos and other minority interests in all regions of the state through advocacy and litigation.

b. Plaintiff, Gabriel Y. Rosales, is a member of LULAC Council 4819 and a registered voter, with his address at 231 One Oak, San Antonio, TX 78228.

c. Plaintiff, Belen Robles, is a member of LULAC Council 9 and a registered voter, with her address at 3336 Fillmore, El Paso, TX 79930.

d. Plaintiff, Ray Velarde, is a member of LULAC Council 20 and a registered voter, with his address at 1216 Montana Ave., El Paso, TX 78202.

e. Plaintiff, Johnny Villastrigo, is a member of LULAC Council 4604 and registered voter, with his address at 608 Van Buren, Wichita Falls, TX 76301.

f. Plaintiff, Bertha Urteaga, is a member of LULAC Council 4967 and a registered voter, with her address at 514 That Way St., # 1913, Lake Jackson, TX 77566.

g. Plaintiff, Baldomero Garza, is a member of LULAC Council 4967 and a registered voter, with his address at 6502 Sterling Canyon Drive, Katy, TX 77450.

h. Plaintiff, Marcelo H. Tafoya, is a member of LULAC Council 4858 and a registered voter, with his address at 2908 Overdale Road, Austin, TX 78723.

i. Plaintiff, Raul Villaronga, is a member of LULAC Council 4535 and a registered voter, with his address at 602 Trout Cove, Killeen, TX 76542.

j. Plaintiff, Asenet T. Armadillo, is a member of LULAC Council 1 and a registered voter, with her address at 2838 Coleman, Corpus Christi, TX 78405.

k. Plaintiff, Elvira Rios, is a member of LULAC District 13 and a registered voter, with her residence pn Hidalgo County.

l. Plaintiff, Patricia Mancha, is a member of LULAC Council 4871 and a registered voter, with her address at 3827 Stockton Lane, Dallas, TX 75287.

3. Defendants are the Governor of Texas, the Lieutenant Governor of Texas, the Speaker of the Texas House of Representatives, the Secretary of State of Texas, the State of Texas itself, the Chair of the Texas Democratic Party, and the Chair of the Republican Party of Texas. All of the defendant officials are sued in their official capacity only. The Chairs of the two political parties are made defendants only for purposes of remedy, and no recovery of attorney fees is sought as to them. The residences of the state officials, in their official capacity, are all in Travis County, as the seat of government of the State of Texas is in the City of Austin. *See* Tex. Const. art. III, § 58. All the defendants, through their counsel, have entered appearances in this case.

Jurisdiction and venue

4. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), 1343(a)(4), 1357, 2201, 2202, and 2284. Venue is proper in this district under 28 U.S.C. § 1391(b) and in this division under 28 U.S.C. § 124(d)(4).

Factual background

5. Until this Court's adoption of an interim congressional plan for purposes of the 2012 elections, the last legally operative congressional districting plan for Texas, containing thirty-two districts, was known as Plan C100. It had been in effect since an order issued on August 4, 2006, by the United States District Court for the Eastern District of Texas in *LULAC v. Perry*, No. 2:03CV158. It had three Districts—CDs 9, 18, and 30—that the state has classified as African-American opportunity districts within the meaning of Section 2 of

the Voting Rights Act of 1965, as amended ("VRA"), 42 U.S.C. § 1973 (generally referred to as "Section 2"). It also had seven districts— CDs 15, 16, 20, 23, 27, 28, and 29— that the state classified as Latino opportunity districts under Section 2 of the VRA. One of these Districts was in Harris County. The other six were in an arc generally running from El Paso, along the Rio Grande River to Brownsville, up to Corpus Christi, and over to San Antonio (termed elsewhere in this pleading the "South Texas Region").

6. The official results of the 2010 census were released on December 21, 2010. On January 5, 2011, the President of the United States, pursuant to 2 U.S.C. § 2a(a), transmitted to Congress a statement showing the population of each of the fifty states, including the defendant State of Texas, as reported in the 2010 census. These population figures show that the State of Texas contains 25,145,561 persons and was entitled to 36 congressional representatives, an increase of four since the reapportionment after the 2000 census.

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account for approximately 24.7 % of the citizen voting age population of the state. Had the overall Texas population grown at the same rate as its Anglo population, the state would not have gained any additional congressional seats and likely would have actually lost a congressional district.

8. As required by the Texas Constitution, the 82nd Texas Legislature convened in regular session on January 11, 2011. On or about February 17, 2011, the Governor and the Texas Legislature received the official 2010 census population numbers for the State of Texas, sufficient to perform the task of congressional redisricting during the now-concluded regular legislative session. The legislature adjourned its regular session *sine die* on May 30, 2011, without enacting a new congressional redistricting plan.

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10. Legislation establishing new congressional District lines was passed during the first called special session of the 82nd Texas Legislature. Article II of the new legislation established a redistricting plan—designated Plan C185—for Texas congressional seats. This redistricting plan was designed to cover primary and general elections to federal congressional seats beginning with the 113th United States Congress, which convened in

January 2013. The Governor signed the bill into law in July 2011.

11. At the time, the State of Texas by virtue of the coverage formula in Section 4 of the VRA, was a covered jurisdiction under Section 5 of the VRA, 42 U.S.C. § 1973c (generally referred to as "Section 5"). The Supreme Court subsequently declared Section 4 unconstitutional on June 25, 2013, in *Shelby County v. Holder*, No. 12-96, saying it can no longer be used as the trigger mechanism for Section 5.

12. Plan C185 never became operative as a matter of federal law. A three-judge federal district court in the District of Columbia—in the case of *Texas v. United States*, Civ. Action No. 1:11cv1303—issued an opinion and judgment on August 28, 2012 (with errata corrections on August 30, 2012) denying Section 5 preclearance to Plan C185 on grounds of intentional racial discrimination and retrogression.

13. The state appealed the District of Columbia judgment and preclearance denial to the Supreme Court of the United States, but neither sought nor obtained a stay of the judgment. Before June 27, 2013, when the Supreme Court acted on the state's appeal, the 83rd Texas Legislature enacted, and the Governor signed into law on June 26, 2013, a new redistricting plan for Texas congressional districts denominated Plan C235. This legislation, enacted during the first called session after the 2013 regular session, also repealed the statute enacting Plan C185.

14. Due to Plan C185 not being operative as law, this Court had to fill the legal vacuum by adopting an interim redistricting plan. This court-ordered interim plan—Plan C235—was for use only in the 2012 election cycle.

15. In calling the first special session of the 83rd Texas legislature, the Governor expressly confined the legislature to considering enactment of only one plan concerning Congressional districts: interim Plan C235. The legislature acceded to the Governor's limited call by enacting Plan C235 without any changes whatever. Because it did not receive two-thirds favorable vote in the legislature, the enacted congressional plan will not be effective as state law until late September 2013.

16. Plan C235 fails to satisfy the requirements of the equal protection component of Section 1 of the Fourteenth Amendment to the United States Constitution and Section 1 of the Fifteenth Amendment to the United States Constitution in at least the following particulars:

a. Plan C235 purposefully fragments Latinos in all regions of the state, dispersing them among numerous districts without regard to traditional and neutral redistricting principles, to reduce and lessen their electoral opportunities in congressional election significantly below the level of opportunities that would be available to Latinos were traditional and neutral redistricting principles followed. This fragmentation is done for the purpose of providing undue voting advantages and weight to Anglo voters across the state. In contrast, Plan C235 is intentionally crafted to allow Anglo voters to

dominate districts beyond what their voting power and geographic distribution would otherwise suggest using traditional and neutral redistricting principles even as the legislature actively worked to disregard traditional and neutral redistricting principles to ensure that minority voters could not dominate or even be meaningful voting participants in any district not otherwise formally recognized as a minority opportunity district.

b. Plan C235 purposefully fragments a politically cohesive coalition of African-American and Latino voters in the Dallas-Fort Worth Metroplex, and in the Harris County area in disregard of traditional and neutral redistricting principles, to reduce and lessen the electoral opportunities of minority voters in the area in congressional election and to give undue advantage to Anglo voters.

c. Plan C235 isolates the Latino voting community in Nueces County, which is 60.6 Latino, in an overwhelmingly Anglo District stretching to the outskirts of Travis County. This action was intended to sever the large Latino voting community of Nueces County from other significant groups of Latino voters in the South Texas Region to keep from forming an additional Latino opportunity district and to provide undue advantages and weight to Anglo voters in Nueces County and other parts of CD 27 and to maintain the Anglo incumbent, who was not elected as the candidate of choice of Latino voters, in office.

d. Plan C235, for no compelling reason, uses race as a tool to purposely dismantle and destroy an existing crossover district—former CD 25—anchored in Travis County and the City of Austin and the tri-ethnic voting coalition there. The overriding purpose of this racially-based dismantlement was to fragment the existing and operative tri-ethnic coalition so that a cohesive minority voting community of African-Americans and Latinos could not vote together with a community of Anglos crossing over to vote for the candidate of choice of the African-American and Latino voting coalition in order to continue electing their candidate of choice in congressional elections. In so carving up the residents of Travis County and Austin, the legislature disregarded traditional and neutral redistricting principles, which, if followed, would have included at least one, and possibly more, districts firmly anchored in the city and county as well as eliminating the possibility that as many as two additional districts that would be in excess of 50% Hispanic citizen majority .

e. Plan C235 purposely continues in place a race-based redrawing of the historic CD 20, along held by Latino incumbents elected as the candidate of choice of Latino voters, so that iconic elements of the district, such as the Alamo, and significant economic institutions are removed from the district in disregard of traditional and neutral redistricting principles.

17. Plans C185 and C235 fail to satisfy the requirements of the VRA's Section 2 in at least the following particulars:

a. In the South Texas Region, while still honoring the requirements of the Fourteenth and Fifteenth Amendments, at least one, and possibly two, congressional districts could have been formed, and solidly anchored there, that would have contained a reasonably compact population of Latinos who are citizens of voting age who would constitute at least 50% of the citizen voting age population of the district. In this area, the Latino voters are politically cohesive and the majority Anglo voters vote sufficiently as a bloc to enable them, in the absence of special circumstances, usually to defeat the preferred candidate of the Latino voters. These facts coexist with other circumstances in the area—including a history of official discrimination with respect to the opportunity of Latinos to exercise the right to vote, a lack of responsiveness on the part of elected officials to the particularized needs of Latinos, and the tenuous nature of the justification for the congressional district lines drawn in the area—to provide a less than equal opportunity for the Latinos there to participate in the political process and to elect congressional representatives of their choice.

b. Still in the South Texas Region—specifically, the geographic area roughly encompassed by

former CD 23 and Plan C235's CD 23—Plan C235 fails to establish CD 23 as a reasonably performing Latino opportunity district. While honoring the basic geographic contours embraced by current CD 23, and still creating an additional Latino opportunity district as addressed in ¶ 19.a, the legislature had available to it a reasonably compact population of Latinos who are citizens of voting age who would constitute at least 50% of the citizen voting age population of the district. In this area, the Latino voters are politically cohesive and the majority Anglo voters vote sufficiently as a bloc to enable them, in the absence of special circumstances, usually to defeat the preferred candidate of the Latino voters. These facts coexist with other circumstances in the area—including a history of official discrimination with respect to the opportunity of Latinos to exercise the right to vote, a lack of responsiveness on the part of elected officials to the particularized needs of Latinos, and the tenuous nature of the justification for the congressional district lines drawn in the area—to provide a less than equal opportunity for the Latinos there to participate in the political process and to elect congressional representatives of their choice.

c. Plan C235 fails to create in the Dallas Forth Worth Metroplex an additional minority opportunity district, separate and apart from CD33, composed of an operative and cohesive coalition of African-American and Latino voters.

The legislature had available to it a reasonably compact population of African-Americans and Latinos who are citizens of voting age who would constitute at least 50% of the citizen voting age population of the district. In this area, the African-American and Latino voters are politically cohesive and the majority Anglo voters vote sufficiently as a bloc to enable them, in the absence of special circumstances, usually to defeat the preferred candidate of the coalition of African-American and Latino voters. These facts coexist with other circumstances in the area—including a history of official discrimination with respect to the opportunity of African-Americans and Latinos to exercise the right to vote, a lack of responsiveness on the part of elected officials to the particularized needs of African-Americans and Latinos, and the tenuous nature of the justification for the congressional district lines drawn in the area—to provide a less than equal opportunity for the coalition of African-Americans and Latinos there to participate in the political process and to elect congressional representatives of their choice.

d. The 2012 election results showed that, as had been contended by the Quesada plaintiffs from the outset of this case (see Quesada First Amended Complaint (Dkt. #84-1 at ¶s 45, 46 and 56), the African-American population in the Dallas-Fort Worth region was sufficiently large and geographically compact to support the creation of a second African-American ability to

elect district in that area (in addition to the pre-existing District (CD 30) held by Congresswoman Eddie Bernice Johnson). In the 2012 elections, African-American voters in District 33 demonstrated an effective ability to elect their preferred candidate of choice to Congress, African-American Marc Veasey (one of the original plaintiffs in the Quesada v. Perry suit). African-American candidate Veasey was the overwhelming candidate of choice of African-American majority in both the Democratic primary and runoff elections. In both the primary and runoff, African-American voters comprised a majority of the voters in CD 33 who cast ballots (63% in the primary and 53% in the runoff). Veasey prevailed in the general election, with an estimated 99% of the African-American voters casting their ballots for Veasey and an estimated 95% of Hispanics doing so.

68. Although CD 33 performed as an African-American ability to elect district in the 2012 election cycle, the minority population in the DFW region remains fractured, containing large pockets of minority population that are stranded in districts dominated by Anglo bloc voters. So while the interim plan did rearrange the DFW region, the State's intentional fracturing of the minority population was not fully addressed and cured. Indeed, it is possible, as the Quesada plaintiffs (and others) have demonstrated in their alternative plans, to create in the DFW region two African-American ability to elect districts and a third district which would provide Latino

voters with an effective ability to elect their preferred candidate

e.. The court-ordered interim plan, while an improvement over the state's 2011 enacted plan (C185), still contains several features that dilute minority voting strength and are remnants or perpetuate the state's intentional discrimination against minority voters.

18. Plan C235 continues the State of Texas's consistent and repeated practice of engaging in intentional discrimination on the basis of race in its design of electoral districts and other statewide electoral actions. These violations, including one or more of those alleged in paragraph 16, above, reflect intentional racial discrimination and violations of the Fourteenth and Fifteenth Amendments in derogation of the current conditions for minority voters in the state. Therefore, they justify the imposition of equitable relief authorized by the VRA's Section 3(c).

Causes of action

Count 1: VRA Section 2

19. The facts alleged herein constitute a denial or abridgement of the plaintiffs' right to vote for their representative to the United States House of Representatives, in violation of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

Count 2: Equal protection

20. The facts alleged herein constitute a denial to the plaintiffs of rights guaranteed by the Equal Protection Clause of Section 1 of the Fourteenth Amendment to the United States Constitution.

Count 3: Constitutional right to vote

21. The facts alleged herein constitute a deprivation of the plaintiffs' rights under the Fifteenth Amendment to the United States Constitution.

Count 4: Section 3(c) injunction

22. The facts alleged herein establish that the Court should grant equitable relief authorized by the VRA's Section 3(c), 42 U.S.C. § 1973a(c). LULAC incorporates its joint motion and accompanying Memorandum of Law pursuant to sec. 3(c). (Dkt. 884). For brevity LULAC will not repeat herein.

Prayer for relief

23. Based upon the foregoing matters, the plaintiffs pray that this Court:

a. Continue to assume jurisdiction over this action as a three-judge District Court pursuant to 28 U.S.C. § 2284;

b. Enter a declaratory judgment that the Texas congressional Districts in Plans C185 and C235 violate the plaintiffs' rights under the United States Constitution and federal law, as alleged under ¶¶ 19-22, above;

c. Enter an injunction that the State of Texas is required for not less than the next ten years to obtain preclearance, before implementation, from either this Court or the Attorney General of the United States for any state-level redistricting changes, and such other state-level electoral changes as the Court adjudges appropriate, from electoral practices and standards in force or effect as of May 9, 2011;

d. Grant plaintiffs appropriate injunctive relief enjoining the defendants, their officers, agents, employees, attorneys, successors in office, and all persons in active concert or participation with them, from any implementation or use of Plan C235 in primary and general elections until and unless the injunction sought in paragraph 25.c is satisfied and the legal violations found with respect to Plan C235 are remedied by the Texas Legislature by a date certain or by this Court :

e. Grant the plaintiffs their reasonable attorney fees, litigation expenses, and costs in maintaining this action; and

f. Grant the plaintiffs such further relief as may be necessary, appropriate, and equitable.

Respectfully Submitted,

Luis Robeito Vera, Jr.
SBN: 20546740

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Attorneys for the LULAC Plaintiff-Intervenor

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, et al.,	§	
Plaintiffs,	§	CIVIL
	§	ACTION NO.
v.	§	11-CV-360-
	§	OLG-JES-XR
STATE OF TEXAS, et al.,	§	[Lead case]
Defendants.	§	

MEXICAN AMERICAN	§	
LEGISLATIVE CAUCUS,	§	
TEXAS HOUSE OF	§	
REPRESENTATIVES,	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL
	§	ACTION NO.
	§	SA-11-CA-
STATE OF TEXAS, et al.,	§	361-OLG-JES-
Defendants.	§	XR
	§	[Consolidated
	§	case]

TEXAS LATINO	§	
REDISTRICTING TASK	§	
FORCE, et al.,	§	
Plaintiffs,	§	CIVIL
	§	ACTION NO.

v.	§	SA-11-CA
	§	490-OLG-JES-
RICK PERRY,	§	XR
Defendants.	§	(Consolidated
	§	case]

MARGARITA V. QUESADA,	§	
et al.,	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL
	§	ACTION NO.
RICK PERRY, et al.,	§	SA-11-CA-592-
Defendants.	§	OLG-JES-XR
	§	[Consolidated
	§	Case]

EDDIE RODRIGUEZ, et al.,	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL
	§	ACTION NO.
RICK PERRY, et al.,	§	SA-11-CA-635-
Defendants.	§	OLG-JES-XR
	§	[Consolidated
	§	Case]
	§	

SECOND AMENDED COMPLAINT

The Rodriguez plaintiffs Eddie Rodriguez, Milton Gerard Washington, Bruce Elfant, Balakumar Pandian, Alex Serna, Sandra Serna, Betty F. Lopez, David Gonzalez, Beatrice Saloma, Lionor Sorola-Pohlman, Eliza Alvarado, Juanita Valdez-Cox, Josie Martinez, Nina Jo Baker, Travis County, and the City of Austin supplement and amend their First Amended Complaint and, in doing so, adopt their allegations that the 2011 congressional redistricting was based on intentional race-based actions violating the United States Constitution's Fourteenth and Fifteenth Amendments. Through this amended complaint, the Rodriguez plaintiffs challenge both the legislatively-adopted 2011 Plan C185 and the legislative-adopted Plan C235 and request injunctive relief under Section 3(c) of the Voting Rights Act deriving from each of these sets of challenges.

Introduction

1. In its first called special session, the 83rd Texas Legislature passed Senate Bill 4 ("SB 4"), redistricting Texas congressional districts in a plan denominated Plan C235. SB 4 also repealed the congressional redistricting plan, denominated Plan C185, enacted and signed into law in 2011. The Governor signed SB 4 on June 26, 2013; under the Texas Constitution, it becomes effective as a matter of state law on September 24, 2013.

Plaintiffs allege that Plan C185 Plan C235 violate rights guaranteed by the Fourteenth and Fifteenth Amendments to the United States Constitution and by Section 2 of the federal Voting Rights Act. Accordingly, plaintiffs seek a declaration that the congressional districts inPlan C185 and in Plan C235 are invalid and an injunction prohibiting defendants from calling, holding,

supervising, or taking any action concerning primary or general elections for Texas members of the United States House of Representatives based on Plan C235.

In addition, in order to enforce the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution, plaintiffs seek equitable relief under Section 3(c) of the Voting Rights Act whereby the Court would retain jurisdiction for an appropriate period during which no state-level change in districting and, as appropriate, other electoral standards and practices from those in force or effect in 2011 when this case commenced may be enforced unless and until this Court or the United States Attorney General determines that such change has neither the purpose nor the effect of denying or abridging the voting rights of minority voters.

Parties

2. The following plaintiffs bring this suit in their personal capacities, as registered voters in the State of Texas:

a. Eddie Rodriguez, who is Hispanic, resides at 1910 Haskell Street, Austin, Texas 78702, in former Congressional District ("CD") 25,* and Plan C185' s CD 35, and Plan C235' s CD 35.

b. Milton Gerard Washington, who is African-American, resides at 11500 Oak Trail, Austin, Texas

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* "Former," when used in connection with a specified congressional district, refers to the congressional districts in effect immediately preceding the 2011 enactment adopting Plan C185. The plan for these fonner districts was denominated Plan C100.

78753, in former CD 10, Plan C185's CD 10, and Plan C235' s CD 10.

c. Bruce Elfant, who is Anglo, resides at 4522 Avenue F, Austin, Texas 78751, in former CD 25, Plan C185's CD 10, and Plan C235' s CD 10.

d. Balakumar Pandian, who is Asian-American, resides at 2001 East 21st Street, Austin, Texas 78722, in former CD 25, Plan C185's CD 25, and Plan C235's CD 25.

e. Alex Serna and Sandra Serna, who are Hispanic, reside at 5448 La Estancia, El Paso, Texas 79932, in former CD 16, Plan C185's CD 16, and Plan C235's CD 16.

f. Betty F. Lopez, who is Hispanic, resides at 305 S. Nueces Street, San Antonio, Texas 78207, in former CD 20, Plan C185's CD 35, and Plan C235's CD 35.

g. David Gonzalez, who is Hispanic, resides at 618 Cobble Drive, San Antonio, Texas 78216, in former CD 21, Plan C185's CD 20, and Plan C235's CD 20.

h. Beatrice Saloma, who is Hispanic, resides at 277 West Wildwood Drive, San Antonio, Texas 78212, in former CD 20, Plan C185's CD 20, and Plan C235's CD 20.

i. Lionor Sorola-Pohlman, who is Hispanic, resides at 2314 Tannehill Drive, Houston, Texas 77008, in

former CD 18, Plan C185's CD 2, and Plan C235's CD 2.

j. Eliza Alvarado, who is Hispanic, resides at 1306 W. Kiwi, #4, Pharr, Texas 78577, in former CD 15, Plan C185's CD 15, and Plan C235's CD 15.

k. Juanita Valdez-Cox, who is Hispanic, resides at 302 N. Valley View, Donna, Texas 78537, in former CD 15, Plan C185's CD 34, and Plan C235's CD 34

l. Josie Martinez, who is Hispanic, resides at 317 East Drew Street, Fort Worth, Texas 76110, in former CD 12, Plan C185's CD 26, and Plan C235's CD 33.

m. Nina Jo Baker, who is African-American, resides at 1002 East 2nd Street, Fort Worth, Texas 76102, in former CD 12, Plan C185's CD 26, and Plan C235's CD 12.

3. Plaintiff Travis County, a political subdivision of the State of Texas under Article I, Section 1, of the Texas Constitution, is charged by the Texas Legislature with principal local responsibility for the conduct of elections, including elections for congressional office. *See, e.g.*, Tex. Elec. Code, ch. 31, subch. B & ch. 32, subch. A. Under Section 42.001(a) of the Election Code, the County's Commissioners Court is responsible for establishing election precincts within its territory and, in redistricting years, is directed in Section 42.032 of the Election Code to complete the process by October 1st. As a geographically compact and contiguous political subdivision with many residents sharing similar concerns, and with a population

of 1,024,266 under the 2010 census, 325,778 people in excess of the ideal population size for a congressional district, Travis County forms a distinct community of interest under traditional districting principles.

4. Plaintiff the City of Austin, a political subdivision of the State of Texas, is a home rule municipality under Article XI, Section 5, of the Texas Constitution, with full power of local self-government under Texas Local Government Code § 51.072(a), and is authorized by Article I, § 3, of its charter to take such actions as its governing body deems necessary to advance the interests of its residents. As a geographically compact and contiguous political subdivision with many residents sharing similar concerns, and with a population of 790,390 under the 2010 census, 91,902 people in excess of the ideal population size for a congressional district, Austin forms a distinct community of interest under traditional districting principles.

5. Defendants are the Governor of Texas, the Lieutenant Governor of Texas, the Speaker of the Texas House of Representatives, the Secretary of State of Texas, the State of Texas itself, the Chair of the Texas Democratic Party, and the Chair of the Republican Party of Texas. All of the defendant officials are sued in their official capacity only. The Chairs of the two political parties are made defendants only for purposes of remedy, and no recovery of attorney fees is sought as to them. The residences of the state officials, in their official capacity, are all in Travis County, as the seat of government of the State of Texas is in the City of Austin. *See* Tex. Const. art.

III, § 58. All the defendants, through their counsel, have entered appearances in this case.

Jurisdiction and venue

6. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), 1343(a)(4), 1357, 2201, 2202, and 2284. Venue is proper in this district under 28 U.S.C. § 1391(b) and in this division under 28 U.S.C. § 124(d)(4).

Factual background

7. Until this Court's adoption of an interim congressional plan for purposes of the 2012 elections, the last legally operative congressional districting plan for Texas, containing thirty-two districts, was known as Plan C100. It had been in effect since an order issued on August 4, 2006, by the United States District Court for the Eastern District of Texas in *LULAC v. Perry*, No. 2:03CV158. It had three districts—CDs 9, 18, and 30—that the state has classified as African-American opportunity districts within the meaning of Section 2 of the Voting Rights Act of 1965, as amended ("VRA"), 42 U.S.C. § 1973 (generally referred to as "Section 2"). It also had seven districts—CDs 15, 16, 20, 23, 27, 28, and 29—that the state classified as Hispanic opportunity districts under Section 2 of the VRA. One of these districts was in Harris County. The other six were in an arc generally running from El Paso, along the Rio Grande River to Brownsville, up to Corpus Christi, and over to San Antonio (termed elsewhere in this pleading the "South Texas Region").

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10. As required by the Texas Constitution, the 82nd Texas Legislature convened in regular session on January 11, 2011. On or about February 17, 2011, the Governor and the Texas Legislature received the official 2010 census population numbers for the State of Texas, sufficient to perform the task of congressional

redistricting during the now-concluded regular legislative session. The legislature adjourned its regular session *sine die* on May 30, 2011, without enacting a new congressional redistricting plan.

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States, Civ. Action No. 1:11cv1303—issued an opinion and judgment on August 28, 2012 (with errata corrections on August 30, 2012) denying Section 5 preclearance to Plan C185 on grounds of intentional racial discrimination and retrogression.

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17. In calling the first special session of the 83rd Texas legislature, the Governor expressly confined the legislature to considering enactment of only one plan concerning Congressional districts: interim Plan C235. The legislature acceded to the Governor's limited call by enacting Plan C235 without any changes whatever. Because it did not receive two-thirds favorable vote in the legislature, the enacted congressional plan will not be effective as state law until September 24, 2013, nor will the repeal of Plan C185 be effective until then

18. Plan C185 fails to satisfy the requirements of the equal protection component of Section 1 of the Fourteenth Amendment to the United States Constitution and Section 1 of the Fifteenth Amendment to the United States Constitution in at least the following particulars:

a. Plan C185 purposefully fragments Hispanic and African-Americans in all regions of the state, dispersing them among numerous districts without regard to traditional and neutral redistricting principles, to reduce and lessen their electoral opportunities in congressional election significantly below the level of opportunities that would be available to Hispanics were traditional and neutral redistricting principles followed. This fragmentation is done for the purpose of providing undue voting advantages and weight to Anglo voters across the state. In contrast, Plan C185 is intentionally crafted to allow Anglo voters to dominate districts beyond what their voting power and geographic distribution would otherwise suggest using traditional and neutral redistricting principles even as the legislature actively worked to disregard traditional and neutral redistricting principles to ensure that minority voters could not dominate or even be meaningful voting participants in any district not otherwise formally recognized as a minority opportunity district.

b. Plan C185 purposefully fragments a politically cohesive coalition of African-American and Hispanic voters in the Dallas-Fort Worth Metroplex, in

disregard of traditional and neutral redistricting principles, to reduce and lessen the electoral opportunities of minority voters in the area in congressional election and to give undue advantage to Anglo voters.

c. Plan C185 isolates the Hispanic voting community in Nueces County, which is 60.6 Hispanic, in an overwhelmingly Anglo district stretching to the outskirts of Travis County and which is characterized by significant levels of racially polarized voting. This action was intended to sever the large Hispanic voting community of Nueces County from other significant groups of Hispanic voters in the South Texas Region to keep from forming an additional Hispanic opportunity district and to provide undue advantages and weight to Anglo voters in Nueces County and other parts of CD 27 and to maintain the Anglo incumbent, who was not elected as the candidate of choice of Hispanic voters, in office.

d. Plan C185, for no compelling reason, uses race as a tool to purposely dismantle and destroy an existing crossover district—former CD 25—anchored in Travis County and the City of Austin and the tri-ethnic voting coalition there. The overriding purpose of this racially-based dismantlement was to fragment the existing and operative tri-ethnic coalition so that a cohesive minority voting community of African-Americans and Hispanics could not vote together with a community of Anglos crossing over to vote for the candidate of choice of

the African-American and Hispanic voting coalition in order to continue electing their candidate of choice in congressional elections. In so carving up the residents of Travis County and Austin, the legislature disregarded traditional and neutral redistricting principles, which, if followed, would have included at least one, and possibly more, districts firmly anchored in the city and county.

e. Plan C185 purposely continues in place a race-based redrawing of the historic CD 20, along held by Hispanic incumbents elected as the candidate of choice of Hispanic voters, so that iconic elements of the district, such as the Alamo, and significant economic institutions are removed from the district in disregard of traditional and neutral redistricting principles.

19. Plan C235 fails to satisfy the requirements of the equal protection component of Section 1 of the Fourteenth Amendment to the United States Constitution and Section 1 of the Fifteenth Amendment to the United States Constitution in at least the following particulars:

a. Plan C235 purposefully fragments Hispanics and African-Americans in all regions of the state, dispersing them among numerous districts without regard to traditional and neutral redistricting principles, to reduce and lessen their electoral opportunities in congressional election significantly below the level of opportunities that would be available to Hispanics were traditional and neutral redistricting principles followed. This fragmentation

is done for the purpose of providing undue voting advantages and weight to Anglo voters across the state. In contrast, Plan C235 is intentionally crafted to allow Anglo voters to dominate districts beyond what their voting power and geographic distribution would otherwise suggest using traditional and neutral redistricting principles even as the legislature actively worked to disregard traditional and neutral redistricting principles to ensure that minority voters could not dominate or even be meaningful voting participants in any district not otherwise formally recognized as a minority opportunity district.

b. Plan C235, even with its inclusion of CD 33, continues to purposefully fragment a politically cohesive coalition of African-American and Hispanic voters in the Dallas-Fort Worth Metroplex, in disregard of traditional and neutral redistricting principles, to reduce and lessen the electoral opportunities of minority voters in the area in congressional election and to give undue advantage to Anglo voters.

c. Plan C235 isolates the Hispanic voting community in Nueces County, which is 60.6 Hispanic, in an overwhelmingly Anglo district stretching to the outskirts of Travis County and which is characterized by significant levels of racially polarized voting. This action was intended to sever the large Hispanic voting community of Nueces County from other significant groups of Hispanic voters in the South Texas Region to keep from forming an additional Hispanic opportunity district

and to provide undue advantages and weight to Anglo voters in Nueces County and other parts of CD 27 and to maintain the Anglo incumbent, who was not elected as the candidate of choice of Hispanic voters, in office.

d. Plan C235, for no compelling reason, uses race as a tool to purposely dismantle and destroy an existing crossover district—former CD 25—anchored in Travis County and the City of Austin and the tri-ethnic voting coalition there. The overriding purpose of this racially-based dismantlement was to fragment the existing and operative tri-ethnic coalition so that a cohesive minority voting community of African-Americans and Hispanics could not vote together with a community of Anglos crossing over to vote for the candidate of choice of the African-American and Hispanic voting coalition in order to continue electing their candidate of choice in congressional elections. In so carving up the residents of Travis County and Austin, the legislature disregarded traditional and neutral redistricting principles, which, if followed, would have included at least one, and possibly more, districts firmly anchored in the city and county.

e. Plan C235 purposely continues in place a race-based redrawing of the historic CD 20, along held by Hispanic incumbents elected as the candidate of choice of Hispanic voters, so that iconic elements of the district, such as the Alamo, and significant economic institutions are removed from the district

in disregard of traditional and neutral redistricting principles.

20. Plan C185 fails to satisfy the requirements of the VRA's Section 2 in its intentional actions as described in ¶ 18, above, and in at least the following additional particulars:

a. In the South Texas Region, while still honoring the requirements of the Fourteenth and Fifteenth Amendments, at least one, and possibly two, congressional districts could have been formed, and solidly anchored there, that would have contained a reasonably compact population of Hispanics who are citizens of voting age who would constitute at least 50% of the citizen voting age population of the district. In this area, the Hispanic voters are politically cohesive and the majority Anglo voters vote sufficiently as a bloc to enable them, in the absence of special circumstances, usually to defeat the preferred candidate of the Hispanic voters. These facts coexist with other circumstances in the area—including a history of official discrimination with respect to the opportunity of Hispanics to exercise the right to vote, a lack of responsiveness on the part of elected officials to the particularized needs of Hispanics, and the tenuous nature of the justification for the congressional district lines drawn in the area—to provide a less than equal opportunity for the Hispanics there to participate in the political process and to elect congressional representatives of their choice.

b. Still in the South Texas Region—specifically, the geographic area roughly encompassed by former CD 23—Plan C1855 fails to establish a reasonably performing Hispanic opportunity district. While creating an additional Hispanic opportunity district as addressed in ¶ 18.d, the legislature had available to it a reasonably compact population of Hispanics who are citizens of voting age who would constitute at least 50% of the citizen voting age population of the district. In this area, the Hispanic voters are politically cohesive and the majority Anglo voters vote sufficiently as a bloc to enable them, in the absence of special circumstances, usually to defeat the preferred candidate of the Hispanic voters. These facts coexist with other circumstances in the area—including a history of official discrimination with respect to the opportunity of Hispanics to exercise the right to vote, a lack of responsiveness on the part of elected officials to the particularized needs of Hispanics, and the tenuous nature of the justification for the congressional district lines drawn in the area—to provide a less than equal opportunity for the Hispanics there to participate in the political process and to elect congressional representatives of their choice.

c. Plan C185 fails to create in the Dallas-Forth Worth Metroplex a minority opportunity district composed of an operative and cohesive coalition of African-American and Hispanic voters. The legislature had available to it a reasonably compact population of African-Americans and Hispanics who are citizens of voting age who would constitute at least 50% of the

citizen voting age population of the district. In this area, the African-American and Hispanic voters are politically cohesive and the majority Anglo voters vote sufficiently as a bloc to enable them, in the absence of special circumstances, usually to defeat the preferred candidate of the coalition of African-American and Hispanic voters. These facts coexist with other circumstances in the area—including a history of official discrimination with respect to the opportunity of African-Americans and Hispanics to exercise the right to vote, a lack of responsiveness on the part of elected officials to the particularized needs of African-Americans and Hispanics, and the tenuous nature of the justification for the congressional district lines drawn in the area—to provide a less than equal opportunity for the coalition of African-Americans and Hispanics there to participate in the political process and to elect congressional representatives of their choice.

21. Plan C235 fails to satisfy the requirements of the VRA's Section 2 in its intentional actions as described in ¶ 19, above,and in at least the following additional particulars:

a. In the South Texas Region, while still honoring the requirements of the Fourteenth and Fifteenth Amendments, at least one, and possibly two, congressional districts could have been formed, and solidly anchored there, that would have contained a reasonably compact population of Hispanics who are citizens of voting age who would constitute at least 50% of the citizen voting age population of the

district. In this area, the Hispanic voters are politically cohesive and the majority Anglo voters vote sufficiently as a bloc to enable them, in the absence of special circumstances, usually to defeat the preferred candidate of the Hispanic voters. These facts coexist with other circumstances in the area—including a history of official discrimination with respect to the opportunity of Hispanics to exercise the right to vote, a lack of responsiveness on the part of elected officials to the particularized needs of Hispanics, and the tenuous nature of the justification for the congressional district lines drawn in the area—to provide a less than equal opportunity for the Hispanics there to participate in the political process and to elect congressional representatives of their choice.

b. Still in the South Texas Region—specifically, the geographic area roughly encompassed by former CD 23 and Plan C235's CD 23—Plan C235 fails to establish CD 23 as a reasonably performing Hispanic opportunity district. While honoring the basic geographic contours embraced by current CD 23, and still creating an additional Hispanic opportunity district as addressed in ¶ 19.d, the legislature had available to it a reasonably compact population of Hispanics who are citizens of voting age who would constitute at least 50% of the citizen voting age population of the district. In this area, the Hispanic voters are politically cohesive and the majority Anglo voters vote sufficiently as a bloc to enable them, in the absence of special circumstances, usually to def eat the preferred candidate of the

Hispanic voters. These facts coexist with other circumstances in the area—including a history of official discrimination with respect to the opportunity of Hispanics to exercise the right to vote, a lack of responsiveness on the part of elected officials to the particularized needs of Hispanics, and the tenuous nature of the justification for the congressional district lines drawn in the area—to provide a less than equal opportunity for the Hispanics there to participate in the political process and to elect congressional representatives of their choice.

c. Plan C235 fails to create in the Dallas-Forth Worth Metroplex an additional minority opportunity district composed of an operative and cohesive coalition of African-American and Hispanic voters. The legislature had available to it a reasonably compact population of African-Americans and Hispanics who are citizens of voting age who would constitute at least 50% of the citizen voting age population of the district. In this area, the African-American and Hispanic voters are politically cohesive and the majority Anglo voters vote sufficiently as a bloc to enable them, in the absence of special circumstances, usually to defeat the preferred candidate of the coalition of African-American and Hispanic voters. These facts coexist with other circumstances in the area—including a history of official discrimination with respect to the opportunity of African-Americans and Hispanics to exercise the right to vote, a lack of responsiveness on the part of elected officials to the particularized

needs of African-Americans and Hispanics, and the tenuous nature of the justification for the congressional district lines drawn in the area—to provide a less than equal opportunity for the coalition of African-Americans and Hispanics there to participate in the political process and to elect congressional representatives of their choice.

22. Plan C235, as does Plan C185, continues the State of Texas's consistent and repeated practice of engaging in intentional discrimination on the basis of race in its design of electoral districts and other statewide electoral actions. These violations, including one or more of those alleged in paragraphs 18 and 19, above, reflect intentional racial discrimination and violations of the Fourteenth and Fifteenth Amendments in derogation of the current conditions for minority voters in the state. Therefore, they justify the imposition of equitable relief authorized by the VRA's Section 3(c), with regard to the violations in both Plan C185 and Plan C235.

Causes of action

Count 1: VRA Section 2

23. The facts alleged herein constitute a denial or abridgement of the plaintiffs' right to vote for their representative to the United States House of Representatives, in violation of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

Count 2: Equal protection

24. The facts alleged herein constitute a denial to the plaintiffs of rights guaranteed by the Equal Protection

Clause of Section 1 of the Fourteenth Amendment to the United States Constitution.

Count 3: Constitutional right to vote

25. The facts alleged herein constitute a deprivation of the plaintiffs' rights under the Fifteenth Amendment to the United States Constitution.

Count 4: Section 3(c) injunction

26. The facts alleged herein establish that the Court should grant equitable relief authorized by the VRA's Section 3(c), 42 U.S.C. § 1973a(c).

Prayer for relief

27. Based upon the foregoing matters, the plaintiffs pray that this Court:

a. Continue to assume jurisdiction over this action as a three-judge District Court pursuant to 28 U.S.C. § 2284;

b. Enter a declaratory judgment that the Texas congressional districts in Plan C185 and in Plan C235 violate the plaintiffs' rights under the United States Constitution and federal law, as alleged under ¶¶ 18-19 and 24-25, above;

c. Enter an injunction that the State of Texas is required for not less than the next ten years to obtain preclearance, before implementation, from either this Court or the Attorney General of the United States for any state-level redistricting changes, and such other state-level electoral

changes as the Court adjudges appropriate, from electoral practices and standards in force or effect as of May 9, 2011;

d. Grant plaintiffs appropriate injunctive relief enjoining the defendants, their officers, agents, employees, attorneys, successors in office, and all persons in active concert or participation with them, from any implementation or use of Plan C235 in primary and general elections until and unless the injunction sought in paragraph 27.c is satisfied and the legal violations found with respect to Plan C235 are remedied by the Texas Legislature by a date certain or by this Court :

e. Grant the plaintiffs their reasonable attorney fees, litigation expenses, and costs in maintaining this action; and

f. Grant the plaintiffs such further relief as may be necessary, appropriate, and equitable.

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, et al.,	)	
	)	
Plaintiffs	)	CIVIL
	)	ACTION NO.
and	)	SA-11-CA-360-
	)	OLG-JES-XR
MEXICAN AMERICAN	)	(consolidated,
LEGISLATIVE CAUCUS,	)	lead case)
TEXAS HOUSE OF	)	
REPRESENTATIVES (MALC)	)	
	)	
Plaintiffs	)	
v.	)	
	)	
STATE OF TEXAS; RICK	)	
PERRY, In his official capacity as	)	
Governor of the State of Texas;	)	
DAVID DEWHURST, In his	)	
official capacity as Lieutenant	)	
Governor of the State of Texas;	)	
JOE STRAUS, in his official	)	
capacity as Speaker of the Texas	)	
House of Representatives	)	
	)	
Defendants	)	

PLAINITFF MALC'S THIRD AMENDED COMPLAINT

1. This is a redistricting lawsuit. This action is brought pursuant to Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 *et seq.*, and the Fourteenth and Fifteenth Amendments to the United States Constitution, 42 U.S.C. § 1983. Plaintiff brings this action requesting declaratory and injunctive relief against the Defendants to challenge the redistricting plans adopted by the State of Texas for the Texas House of Representatives and United States House of Representatives.

2. Plaintiff brings this action challenging the plans adopted by the State of Texas in 2011 and 2013 for Texas House of Representatives districts (House districts) and for United States House of Representatives districts (Congressional districts). Population growth in the State over the last decade was predominantly Latino and minority. As a result, increased Latino and minority opportunity districts could have and should have been included in the new redistricting plans for both the Texas House districts and the Congressional districts. The plans adopted by the State failed to increase Latino and minority opportunity districts. Instead, the plans were developed to minimize and limit Latino and minority electoral opportunities. These plans, therefore, dilute the voting strength of Latino and minority voters of Texas in violation of Section 2 of the Voting Rights Act.

3. Moreover, both of the sets of challenged plans incorporate many of the same features that were adopted with the purpose of minimizing minority electoral opportunities.

4. Plaintiff also brings this action challenging both the 2011 and 2013 plans adopted by the State of Texas for Texas House districts because the plans used population variances to gain racial and partisan advantage in violation of the Fourteenth Amendmenfs one person, one vote principle.

5. In addition, Plaintiff brings this action challenging the pre-2011 districts for the Texas House ofRepresentatives and the United States House of Representatives in Texas because they also violate the provisions of one person, one vote requirements of the 14th Amendment of the United States Constitution.

6. Plaintiff also brings this action to challenge the manner in which the Defendants applied the redistricting requirement of the Texas Constitution regarding the Texas House of Representatives, embodied in Article III, § 26, commonly referred to as the "whole county rule." The State of Texas' use of Article III,§ 26 in both the 2011 and 2013 enactments, to avoid drawing Latino and minority opportunity districts otherwise required by § 2 of the Voting Rights Act, also violates § 2.

7. The Defendants have enforced Article III, § 26, of the Texas Constitution in a manner that will diminish Latino voting strength. Enforcement of Article III, § 26 in the manner employed by the State has diminished the opportunity of Latino voters of Texas to participate in the political process by limiting the number of majority Latino districts that can be developed consistent with the requirements of the Voting Rights Act and the Fourteenth and Fifteenth Amendments of the United

States Constitution. The Defendants have used the requirements of Article III, § 26 as an excuse to avoid the drawing of Hispanic Citizen Voting Age Population majority districts justified by the significant increase in Latino population over the last decade.

8. The Defendants have also packed and cracked politically cohesive Latino and minority communities, resulting in fewer Latino majority districts in both the 2011 and 2013 enactments.

9. The Defendants also consistently overpopulated Latino majority districts and consistently under-populated majority Anglo districts to limit and diminish Latino voting strength. Such use of population variances violates the one person, one vote rule of the 14th Amendment.

10. With the racial gerrymanders manifest in the 2011 and 2013 plans, which resulted in diminished and limited Latino and African American voting strength, the Defendants violated Section 2 of the Voting Rights Act and the 15th and 14th Amendments.

I. JURISDICTION

11. Plaintiff's complaint arises under the United States Constitution and federal statutes. This court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), and 1988.

12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

13. Plaintiff seeks declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

14. Plaintiff requests convening of a three-judge court pursuant to 28 U.S.C. § 2284.

II. PARTIES

15. Plaintiff, Mexican American Legislative Caucus, Texas House of Representatives (hereinafter MALC), is the nation's oldest and largest Latino legislative caucus. MALC is a non-profit organization established to serve the members of the Texas House of Representatives and their staffs in matters of interest to the Mexican American community of Texas, in order to form a strong and cohesive voice on those matters in the legislative process, including redistricting. Many of its members are elected from and represent constituencies in majority Latino districts and many of its members are Latino. Moreover, some of the members reside in overpopulated Texas House districts and United States House of Representatives districts. The challenged plans incorporate districts that impact on MALC members both as minority voters of the districts and as minority elected representatives.

16. Defendant is the State of Texas. The State of Texas is a political subdivision covered under the provisions of the Voting Rights Act and responsible for the actions of its officials with regard to state-wide redistricting.

17. Defendant Rick Perry is the Governor of the State of Texas. Pursuant to Article IV, § 1 of the Texas

Constitution, he is the chief executive officer of the Defendant State of Texas. He is sued in his official capacity.

III. FACTS

18. Plaintiff MALC is the nation's oldest and largest Latino legislative caucus. MALC is a non-profit organization established to serve the members of the Texas House of Representatives and their staffs in matters of interest to the Mexican American community of Texas, in order to form a strong and cohesive voice on those matters in the legislative process, including redistricting. Many of its members are elected from and represent constituencies in majority Latino districts and many of its members are Latino and some are African American. Some of the members of MALC reside in and represent districts that have population substantially greater than the ideal district size for those types of districts. Moreover, the members ofMALC are registered voters in Texas and participate in state and local elections.

19. On or about February 17, 2011, the United States Department of Commerce and the United States Census Bureau released to the State of Texas the population data gathered as a result of the conduct of the 2010 Census.

20. The information released to the State of Texas showed that the population of Texas had increased to 25,145,561 for 2010. The population of Texas, according to the 2010 Census, had increased over the decade by about 20% from the 2000 population of 20,851,820.

21. According to the 2010 Census, the Hispanic population of Texas grew to 9,460,921 from 6,669,666 in the 2000 Census. This was an increase of about 42%. Moreover, according to the 2010 Census, Hispanic growth accounted for about 65% of the overall growth of Texas.

22. The numbers released to the State of Texas by the Census Bureau in February of 2011 have been used to redistrict the Texas House of Representatives. The redistricting legislation for the Texas House districts, H.B. 150, was signed by the Governor on June 17, 2011. The redistricting legislation for the United States House of Representatives, S.B. 4, was passed by the Texas Legislature on or about June 15, 2011.

23. The 2011 enactment for redistricting of the Texas House of Representative never became effective in law. The District Court for the District of Columbia determined that the 2011 plan for the Texas House diminished or retrogressed minority voting strength in a number of districts. It also determined that the "full record strongly suggests that the retrogressive effect we have found may not have been accidental." *Texas v. United States*, 887 F. Supp. 2d 133, 177-178, (D.D.C. 2012) vacated and remanded on other grounds, 570 U.S.____, 2013 U.S. LEXIS 4927 (U.S., June 27, 2013).

24. With regard to the Texas House plan, the D.C. Court found that the enacted plan had the "effect of abridging minority voting rights in four ability districts- HD's 33, 35, 117 and 149- and that Texas did not create any new ability districts to offset those losses." *Id.* at 51. Thus, the enacted plan was retrogressive and could not be

precleared. *Id.* The D.C. Court also expressed concern about the manner in which the mapdrawers used "deliberate, race-conscious method[s]" to dilute minority voting power, specifically noting the manner in which they switched high-turnout for low-turnout Hispanic voters and cracked VTD's along racial lines. *Id.* at 70-71.

25. However the 2011 Texas House enactment was abandoned by the State of Texas with the enactment in 2013 of S.B. 3. S.B. 3 (H358) maintained most of the districts exactly as they were adopted in 2011 and made modifications primarily based on a Court Ordered Interim Redistricting plan.

26. The 2011 enactment for redistricting of the United States House of Representatives (Congressional Districts) never became effective in law. The District Court for the District of Columbia determined that the 2011 plan for the Texas Congressional districts diminished or retrogressed minority voting strength in a number of districts and also found that Texas engaged in intentional discrimination against African-American and Latino citizens in enacting the 2011 Congressional redistricting plans. *Id.* at 161.

27. The 2011 enactment by the State of Texas of Congressional districts was abandoned by the State of Texas with the enactment of S.B. 4 (C235).

28. According to the 2010 Census, the pre-2011 redistricting for the Texas House of Representatives districts had population disparities between the most and least populated district, or a "top to bottom deviation," of

over 109%. This population disparity far exceeds the allowable deviation under the United States Constitution. The overpopulated districts for the Texas House of Representatives include District 40 in Hidalgo County, with a deviation of over +28%, and District 36 in Hidalgo County, with a deviation of over +20%.

29. According to the 2010 Census, the pre-2011 redistricting for the Texas Congressional districts had population disparities between the most populated and least populated districts, or "top to bottom" deviation, of over 48%. This population disparity far exceeds the allowable deviation under the United States Constitution. The overpopulated districts for the United States House of Representatives include District 15 in Hidalgo County, with a deviation of over+ 12%, and District 28 in Hidalgo County, with a deviation of about +22%.

30. The United States Supreme Court recently explained and articulated that the standard for compliance with the one person, one vote principle does not provide a complete safe harbor, even when a plan has less than a 10% total deviation. Unless the jurisdiction can articulate a legitimate non-racial, non-political reason for its deviation, districts should be as equal in population as is practicable. *Cox v. Larios*, 159 L. Ed. 2d 831, 833 (2004).

31. The State's pre-2011, 2011, and 2013 redistricting plans contain deviations that far exceed permissible limits under the United States Constitution. As described above, both of the pre-2011 plans for Texas House of Representatives and United States House of Representatives far exceed permissible deviation limits.

Moreover, the 2011 and 2013 plans adopted by the State of Texas for the Texas House of Representatives, have a top to bottom deviation of 9.9% and 9.85% respectively. These deviations were achieved by overpopulating a majority of the Latino majority districts that can be overpopulated and under-populating a majority of Anglo majority districts. The deviation cannot be justified by legitimate state redistricting interests.

32. Elections in Texas continue to be racially polarized.

33. Latinos generally vote as a group and are politically cohesive.

34. African Americans in Texas generally vote as a group and are politically cohesive.

35. Latinos and African Americans in Texas generally vote as a group and are politically cohesive.

36. Anglos in Texas generally vote as group, are politically cohesive, and vote sufficiently as a block to defeat the preferred candidate of Latino and African American voters absent fair and equitable majority-minority single-member districts.

TEXAS HOUSE

37. According to the 2010 Census the Latino population of Midland County grew by over 57.05% while non-Hispanic white population diminished grew by only 1.1%. In addition the Latino population of Ector County grew by over 40.98% while the non-Hispanic white population diminished over the decade in Ector County.

38. Pre-textually, the Defendants asserted that in its efforts to comply with Article III, § 26 of the Texas Constitution, they would not to explore, consider or develop a Latino citizen voting age population majority district in the Midland/Odessa area of West Texas.

39. Counsel to the Committee on Redistricting, Mr. Jeff Archer, advised that where Section 2 districts were available, the requirements of Article III, § 26 would have to yield.

40. During the Legislative sessions in 2011 and during Special Session of the Legislature in 2013 on redistricting, amendments to the enacted plans with putative redistricting plans were offered, in committee and on the House floor, by the Chairman of the MALC, Rep. Trey Martinez Fischer, and others that established that compact and contiguous districts anchored in Midland and Odessa with a Latino citizen voting age population of over 50% were available. A similar district created in a multi-county district based in Lubbock, was also demonstrated by the amendments offered by the Chairman of MALC.

41 During the debate on the amendments offered by Rep. Martinez Fischer and others, the sponsor of the redistricting bills explained that the amendments would have to be rejected because they violated the requirements of Article III, § 26.

42. The 2011 enactment for redistricting the State House of Representatives eliminated a majority Latino citizen voting age population district in Nueces County.

43. The 2013 enactment for redistricting the State House of Representatives, S.B. 3 continues to exclude the majority Latino citizen voting age population district in Nueces County.

44. During the Legislative Special Session on redistricting in 2013, an amendment to S.B. 3 with putative redistricting plans was offered, on the House floor, by the Chairman of the MALC, Rep. Trey Martinez Fischer. This amendment established that an additional compact and contiguous district, anchored in Nueces County, with a Latino citizen voting age population of over 50% was available.

45. During the debate on the amendments offered by Rep. Martinez Fischer, the sponsor of the redistricting bills explained that the amendment would have to be rejected because it violated the requirements of Article III, § 26.

46. According to the 2010 Census, the total population of Harris County is 4,029,459. The ideal district size in 2011 for the Texas House of Representatives, according to the 2010 Census, is 167,637 persons. Therefore, the number of ideal districts for Harris County is 24.41.

47. In its efforts to comply with Article III, § 26 of the Texas Constitution, Texas allocated 24 districts to Harris County for the 2011 redistricting cycle and was maintained at that level in the State's 2013 enactment.

48. In prior litigation, this Court developed an interim redistricting plan for Harris County that created one additional Latino opportunity district above that contained in the 2011 enactment (H.D. 144). S.B. 3 includes that district.

49. However, population growth justifies the addition of at least one more minority opportunity district in Harris County.

50. During the Legislative Special Session on redistricting in 2013, an amendment to S.B. 3 with putative redistricting plans was offered, on the House floor, by the Chairman of the MALC, Rep. Trey Martinez Fischer. This amendment established that an additional compact and contiguous district, anchored in Harris County, with a minority citizen voting age population of over 50% was available.

51. In Fort Bend County, the minority population over the decade increased by over 95.59%. Fully, 79.26% of the population growth in Fort Bend County was minority population growth. Yet, no new minority opportunity districts are contained in S.B. 3 in the Fort Bend County area. Instead the minority population of Fort Bend County was unnecessarily fragmented to minimize its political strength in both the 2011 enactment and the 2013 enactment.

52. During the Legislative Special Session on redistricting in 2013, an amendment to S.B. 3 with putative redistricting plans was offered, on the House floor, by the Chairman of the MALC, Rep. Trey Martinez

Fischer. This amendment established that an additional compact and contiguous district, anchored in Fort Bend County, with a minority citizen voting age population of over 50% was available.

53. Neither the 2011 enacted plan nor the 2013 enacted plan for the Texas House of Representatives contains such a district in the Fort Bend County area.

54. In Bell County, African American and Latino population growth exceeded over 51.64%. In the City of Killeen in Bell County, the minority community is geographically compact and politically cohesive. Both the 2011 enacted plan and the 2013 enacted plan, S.B. 3, unnecessarily fragments the minority community of Killeen to minimize its political impact on Texas House elections.

55. During the Legislative Special Session on redistricting in 2013, an amendment to S.B. 3 with putative redistricting plans was offered, on the House floor, by the Chairman of the MALC, Rep. Trey Martinez Fischer and by Representative Yvonne Davis. These amendments established that an additional compact and contiguous district, anchored in Bell County, with a minority citizen voting age population of over 50% was available.

56. Neither the 2011 enacted plan nor the 2013 enacted plan for the Texas House of Representatives contains such a district in Bell County.

57. Defendants also have employed redistricting gerrymandering techniques such as packing, cracking, and overpopulating minority Texas House districts in order to minimize minority opportunity districts. For instance, fragmentation of minority population while at the same time overpopulating Latino majority districts in Dallas County led to the failure to create at least one and possibly two additional minority opportunity house districts in Dallas County in both 2011 and 2013. Plans that reduced the population variance in Latino districts and reduced the fragmentation of minority voters in Dallas County were offered as amendments in both 2011 and 2013 and were rejected.

58. The 2011 enacted plan also actively disenfranchised Latino voters in Bexar County, Texas. In 2010, in HD 117, a state representative district in western Bexar County, elected a Hispanic Republican named John Garza. In creating a district to safely re-elect Rep. Garza the state impermissibly focused on race by targeting low-turnout Latino precincts. The HCVAP was increased to 63.8%, but the Spanish Surname Voter Registration (SSVR) actually decreased. The State clearly focused on low-turnout Latino precincts. The State's intention was made all the more clear by Rep. Garza's admission that he "wanted to get more Anglo numbers" into his district is further evidence of racial gerrymandering and evidence of racially discriminatory intent.

59. The 2011 enacted plan was also infected with discriminatory purpose because of the State's actions in El Paso County, Texas in the State House Plan. The border between HDs 77 and 78 had a bizarre shape with

"deer antler" protrusions that split multiple precincts between these two districts. The high number of precincts splits within the deer antler protrusions strongly indicates that the State sought to divide these voters along racial lines. To date, the State has offered no explanation as to why the precincts were split. These cartographic choices are strong evidence of racially discriminatory intent.

TEXAS CONGRESSIONAL DISTRICTS

GENERALLY

60. As a result of the 2010 Census, the Texas Congressional delegation for the United States House of Representatives increased from 32 to 36 members.

61. The increase in the Texas Congressional delegation was directly attributable to the growth in Latino and minority population growth in the State; yet the Defendants failed to increase the number of minority Congressional opportunity districts, beyond those created by this Court.

62. The population growth of Latino and minority population in South and Central Texas justifies the creation of an additional minority opportunity Congressional district in the South/Central Texas region.

63. During the Legislative Sessions on redistricting in 2011 and 2013, amendments to the enacted plans with putative redistricting plans were offered, by a number of minority Representatives. These amendments established that additional compact and contiguous districts with a minority citizen voting age population of

over 50% were available. These plans were never seriously considered.

CONGRESSIONAL DISTRICT 23

64. A detailed review of the legislative history of the 2011 enactments shows that the State's mapdrawers consciously replaced many of the district's active Hispanic voters with low-turnout Hispanic voters in an effort to strengthen the voting power of CD 23's Anglo citizens. In other words, they sought to reduce Hispanic voters' ability to elect without making it look like anything in CD 23 had changed. As a result, the district court for the district of Columbia found that in the 2011 enactment CD 23 was a lost ability to elect minority district. *Texas v. United States*, 887 F. Supp. 2d at 155-7. CD 23 in the 2013 enactment is identical to the CD 23 contained in the interim plan in *Perez v. Perry* developed as a result of a finding that Plaintiffs claims there were not insubstantial. However, the district insufficiently augments Latino voting strength to remedy the intentional attempt to diminish Latino voting strength in CD 23.

CONGRESSIONAL DISTRICT 27

65. The current 27th District is anchored in Nueces County and represented by Congressman Farenthold. Before Rep. Farenthold's election, the 27th District had been represented by Solomon Ortiz, Sr. The geography of the old 27th District was made up of parts of Cameron and San Patricio Counties and all of Nueces, Willacy, Kleberg, and Kenedy Counties.

66. The new 27th District joins Nueces County with heavily Anglo counties to its north: all of Refugio,

Aransas, Calhoun, Matagorda, Jackson, Victoria, Wharton, and Lavaca Counties; and parts of San Patricio, Gonzales, Caldwell, and Bastrop Counties. Nueces County has a population of 340,223, of which 206,293 are Hispanic, or 60.635% of the population of the County. The Counties that Nueces has been combined with to form the new 27th District have a Hispanic population of only 39.92%, effectively diluting the voting strength of the Hispanics of Nueces County.

67. The voting strength of the Latino population of Nueces County has thus been diminished in both the 2011 and 2013 enactment.

CONGRESSIONAL DISTRICT 25

68. Congressional District 25 was an effective crossover district in pre-2011 plan. The District Court for the District of Columbia found that the elimination of CD 25 as an effective crossover district is a retrogression of minority voting strength. Retrogression of minority voting strength is a per se violation of Section 2 of the Voting Rights Act.

69. Both the 2011 and 2013 Texas enactments of redistricting plans for congressional districts eliminate CD 25 as an effective crossover district.

INTENTIONAL DISCRIMINATION

70. Latinos and African Americans in Texas continue to suffer the effects of historical discrimination in the areas of education, income, and housing. In addition, primary elections in Texas continue the use of majority vote requirements. Elections in Texas still require the use

of place system and majority vote. Primaries in Texas require a majority vote to secure election. In addition, racially polarized voting continues to infect elections at all levels of government. Texas has a long history of discrimination against minorities in voting. Finally, Latinos in Texas continue to be under-represented in the Texas House and the Texas delegation to the United States House of Representatives.

71. In the enactment of redistricting plans in both 2011 and 2013 Texas established rules different from what is used with enactments generally thus departing from traditional practices. For example, special rules for accepting amendments that precluded all but the most inconsequential changes were used in the 2013 redistricting enactments. For instance no changes would be accepted but those agreed to by all affected members. Even so, in the 2013 session, among the few acceptable amendments was one that resulted in a retrogression of minority voting strength in HD 90. The Texas House and Senate in both 2011 and 2013 passed redistricting legislation without serious consideration of minority voting interests.

72. In both 2011 and 2013, the redistricting enactments passed by Texas make substantial intrusions into cohesive minority communities, fragmenting minority voting communities and diminishing minority voting strength throughout the maps.

73. Latino and African American voters in Dallas and Tarrant Counties have been splintered and fragmented in both 2011 and 2013 to diminish their ability to effectively

participate in the political process. Elimination of the unconstitutional fragmentation when combined with the significant population growth of the area will naturally result in an additional minority majority congressional district and one to three new Texas House Districts in Dallas County.

FIRST CLAIM FOR RELIEF-DISCRIMINATORY RESULT

74. The allegations contained in paragraphs 1 through 73 are alleged as if fully set forth herein.

75. Plaintiff's cause of action arises under Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973. The Defendants are in violation of the Voting Rights Act because the State Defendants: have failed provide sufficient Latino and minority opportunity districts in the 2011 and 2013 redistricting enactments in the face of racial bloc voting and dramatic minority population growth; employed redistricting gerrymandering techniques such as packing and cracking of minority communities to limit and have avoided drawing Latino and minority opportunity districts in; used redistricting criteria, such as the "whole county" rule in an inconsistent and unjustifiable pretext to limit and avoid drawing Latino and minority opportunity districts for Texas House redistricting plans. The failure of the Defendants to draw additional Latino and minority opportunity districts; the Defendants use of racial gerrymandering techniques such as cracking and packing Latino and minority population to limit the number of Latino and minority opportunity districts drawn; the Defendants' use of redistricting criteria unevenly and as a pretext to limit

the number of Latino opportunity districts; all work together to result in a violation ofthe rights of Plaintiff as secured by Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

SECOND CLAIM FOR RELIEF–INTENTIONAL DISCRIMINATION AND DISCRIMINATORY EFFECT

76. The allegations contained in paragraphs I through 73 are alleged as if fully set forth herein.

77. The election practices and procedures used to apportion and draw Texas House districts statewide in both 2011 and 2013, and in particular to Bexar, El Paso, Nueces, Harris, Dallas, Tarrant, Midland, Ector, Bell, Lubbock, and Fort Bend Counties, was done in such a fashion and with the intent to disadvantage Latino and minority voters and resulted in a discriminatory effect on minority voters in Texas. Based on the totality of the circumstances, the political process used by the State Defendants to allocate and draw Texas House seats in Texas Counties, and Bexar, El Paso, Bell, Fort Bend, Nueces, Harris, Dallas, Tarrant, and West Texas in particular, violates the rights of Latino voters in violation of Section 2 of the Voting Rights Act as well as the Fourteenth and Fifteenth Amendments of the United States Constitution and 42 U.S.C. § 1983.

78. In addition, the Texas House districting plans adopted by the Texas House of Representatives in 2011 and 2013 have a total or top to bottom deviation of 9.9% and 9.85% respectively. These deviations were achieved by overpopulating Latino majority districts, to avoid

drawing new Latino majority districts and to gain political advantage. Therefore, the manipulation ofthe population deviation to 9.9% and 9.85% has a discriminatory effect on Latino voters and violates the one person one vote principle of the 14th Amendment as well as Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

THIRD CLAIM FOR RELIEF-ONE PERSON, ONE VOTE

79. The allegations contained in paragraphs 1 through 73 are alleged as if fully set forth herein.

80. The pre-2011 redistricting plans for the Texas House of Representatives and United States House of Representatives exceed permissible population variances between the least populated district and the most populated district. The implementation of such variances or deviations from ideal population by Defendants violate the rights of all voters and persons as guaranteed by the one person, one vote principle embodied within the Fourteenth Amendment of the United States Constitution and protected by 42 U.S.C. § 1983.

81. In addition, the Texas House districting plan adopted by the Texas Legislature in both 2011 and 2013 have total or top to bottom deviations of 9.9% and 9.85% respectively. These deviations were achieved by overpopulating Latino majority districts, to avoid drawing new Latino majority districts and to minimize the opportunity of Latino voters to participate in the political process. There is no legal justification for maintaining a deviation of 9.9% or 9.85% when there is such an impact on Latino voting strength. These 9.9% and 9.85%

deviations violate the one person, one vote principle of the Fourteenth Amendment of the United States Constitution as protected by 42 U.S.C. § 1983. respectively.

82. With respect to the first, second, and third claims for relief, this is also an action for declaratory judgment and preliminary and permanent injunctive relief instituted pursuant to 42 U.S.C. § 1973, 42 U.S.C. § 1983, and 28 U.S.C. § 2001.

83. With respect to the first, second, and third claims for relief, Plaintiff seeks a declaration that the actions of the State Defendants in the 2013 redistricting cycle violate their rights as secured by the Voting Rights Act and the Fourteenth and Fifteenth Amendments of the United States Constitution. Plaintiff also seeks to enjoin any further use of the pre-2011, the 2011 and the 2013 plans for the Texas House and United States House of Representatives.

BASIS FOR EQUITABLE RELIEF

84. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs alleged herein and this suit for declaratory judgment and injunctive relief is their only means of securing adequate redress from all of the Defendants' unlawful practices.

85. Plaintiff will continue to suffer irreparable injury from all of the Defendants' intentional acts, policies, and practices set forth herein unless enjoined by this Court.

PRAYER

Plaintiff respectfully prays that this Court enter Judgment granting Plaintiff:

A. A declaratory judgment that State Defendants' actions violate the rights of Plaintiff as protected by Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 *et seq.* and that the actions of Defendants violate the rights of Plaintiff as protected by the Fourteenth and Fifteenth Amendments to the United States Constitution and 42 U.S.C. § 1983;

B. Preliminary and permanent injunctive relief requiring the State Defendants, their successors in office, agents, employees, attorneys, and those persons acting in concert with them and/or at their discretion to develop redistricting plans that do not dilute Latino and minority voting strength for the Texas House of Representatives and the United States House of Representatives, and also enjoining and forbidding the use of the current Congressional and State House redistricting plans.

C. An order requiring all Defendants to comply with Section 2 and comply with the Section 5 preclearance requirements of the Voting Rights Act as provided by Section 3(c) of the Act;

E. The costs of this suit and reasonable attorneys' fees and litigation expenses, including expert witness fees and expenses, pursuant to 42 U.S.C. §§ 1973l(e) and 1988.

F. An order of this Court retaining jurisdiction over this matter until all Defendants have complied with all orders and mandates of this Court; and

G. Such other and further relief as the Court may deem just and proper.

DATED: September 17, 2013 Respectfully Submitted,

/s/ Jose Garza

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**ATTORNEYS FOR
MEXICAN AMERICAN
LEGISLATIVE CAUCUS,
TEXAS HOUSE OF REP.
(MALC)**

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, *et al.*,	)	
	)	CIVIL
Plaintiffs,	)	ACTION NO.
	)	SA-11-CA-360-
v.	)	OLG-JES-XR
	)	[Lead case]
STATE OF TEXAS, *et al.*,	)	
	)	
Defendants.	)	
	)	
	)	
MEXICAN AMERICAN	)	CIVIL
LEGISLATIVE CAUCUS,	)	ACTION NO.
TEXAS HOUSE OF	)	SA-11-CA-631-
REPRESENTATIVES (MALC)	)	OLG-JES-XR
	)	[Consolidated
Plaintiffs,	)	case]
	)	
v.	)	
	)	
STATE OF TEXAS, *et al.*,	)	
	)	
Defendants.	)	
	)	
	)	
TEXAS LATINO	)	CIVIL
REDISTRICTING TASK	)	ACTION NO.
FORCE, et al.,	)	SA-11-CV-490-
	)	OLG-JES-XR

Plaintiffs,	)	[Consolidated
	)	case]
v.	)	
	)	
RICK PERRY, *et al.,*	)	
	)	
Defendants.	)	
	)	
	)	
MARGARITA V. QUESADA, *et al.,*	)	CIVIL
	)	ACTION NO.
	)	SA-11-CA-592-
Plaintiffs,	)	OLG-JES-XR
	)	[Consolidated
v.	)	case]
	)	
RICK PERRY, *et al.,*	)	
	)	
Defendants.	)	
	)	
	)	
JOHN T. MORRIS,	)	CIVIL
	)	ACTION NO.
Plaintiff,	)	SA-11-CA-615-
	)	OLG-JES-XR
v.	)	[Consolidated
	)	case]
STATE OF TEXAS, et al.,	)	
	)	
Defendants.	)	
	)	
EDDIE RODRIGUEZ, et al.	)	CIVIL ACTION NO.

Plaintiffs,	)	SA-11-CA-365-OLG-JES-XR [Consolidated case]
v.	)	
RICK PERRY, et al.,	)	
Defendants.	)	

QUESADA PLAINTIFFS' THIRD AMENDED COMPLAINT

Plaintiffs MARGARITA V. QUESADA, ROMEO MUNOZ, MARC VEASEY, JANE HAMILTON, LYMAN KING, JOHN JENKINS, KATHLEEN MARIA SHAW, DEBBIE ALLEN, JAMAAL R. SMITH, and SANDRA PUENTE, allege:

I. Introduction

1. On June 15, 2011, the Texas Legislature enacted Senate Bill 4 (S.B. No. 4, as amended), which proported to establish a new congressional redistricting plan for the State of Texas (hereafter, "Plan C185" or "the State's 2011 Congressional Plan" or the State's 2011 Plan").

2. Plaintiffs filed this action seeking declaratory and injunctive relief to prevent Defendants from using the State's 2011 Congressional Plan in any future elections. Plaintiffs brought this action pursuant to the United States Constitution and 42 U.S.C. § 1983, as well as 42 U.S.C. §1973 (Section 2 of the Voting Rights Act of 1965, as amended) and 42 U.S.C. § 1973c (Section 5 of the Voting Rights Act of 1965, as amended). The State's 2011

Congressional Plan would have harmed minority voters, including Plaintiffs, in several discrete ways. The injury to African-American and Hispanic voters throughout the State caused by the reconfiguration of the congressional districts in the State's 2011 Congressional Plan was neither necessary nor justified.

3. The State's 2011 Congressional Plan was drawn to insure that population gains in minority communities (primarily African-American and Hispanic) from 2000 to 2010 did not afford minority voters increased electoral opportunity under the State's Plan. Though minority communities accounted for nearly 90% of population growth between 2000 and 2010, and Texas received four additional congressional seats because of that explosive population growth, minority voters only were afforded an effective ability to elect a candidate of choice in only one of the four new districts created under the State's Plan. And though the Anglo population now comprises only 45% of Texas' total population, Anglos would have controlled 72% of Texas' congressional districts under the State's 2011 Congressional Plan. This configuration constituted an unlawful dilution of minority voting strength under Section 2 of the Voting Rights Act, and the Fourteenth and Fifteenth Amendments to the United States Constitution.

4. The State's 2011 Congressional Redistricting Plan was drawn with the purpose, and had the effect, of minimizing and reducing the strength of minority populations in Texas. While the pre-2011 congressional map contained eleven effective minority opportunity districts, the State's 2001 Congressional Plan contained only ten such districts. Reducing the number of effective

minority opportunity districts in the face of minority population growth was intentional discrimination in violation of Section 2 of the Voting Rights Act, and the Fourteenth and Fifteenth Amendments to the United States Constitution. Such a reduction of effective minority opportunity districts also constituted unlawful retrogression under Section 5 of the Voting Rights Act. The State's 2011 Plan also violated Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, by significantly minimizing the opportunities for African-American and Hispanic voters to participate in the political process and to elect Representatives of their choice.

II. Jurisdiction and Venue

5. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, 1357, and 2284; and pursuant to 42 U.S.C. §§ 1973c, 1973j(f). Plaintiffs' action for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201, 2202, and 2284, as well as by Rules 57 and 65 of the Federal Rules of Civil Procedure. Venue is proper pursuant to 28 U.S.C. §§ 1391(b).

III. Parties

6. Plaintiffs are citizens and registered voters residing in the current congressional Districts 6, 9, 18, 20, 24, 29, 30 and 33. Plaintiffs have standing to bring this action under 42 U.S.C. § 1983 to redress injuries suffered through the deprivation, under color of state law, of rights secured by the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973, 1973c, and by the United States Constitution.

7. Plaintiff MARGARITA V. QUESADA is an Hispanic citizen and a registered voter whose address is 875 Marquette Drive, San Antonio, Texas 78228. She resides in the current District 20 and under the State's Plan would reside in proposed District 20.

8. Plaintiff ROMEO MUNOZ is an Hispanic citizen and a registered voter whose address is 4157 Astoria, Irving, Texas 75062. He resides in current District 24 and under the State's Plan would reside in proposed District 24.

9. Plaintiff MARC VEASEY is an African-American citizen and a registered voter whose address is 8224 Longfellow Lane, Fort Worth, TX 76120. He resides in current District 33 in the court-approved interim plan (and under the State's 2011 Plan would have resided in proposed District 12). Plaintiff VEASEY is also the duly elected Congressman in Congressional District 33.

10. Plaintiff JANE HAMILTON is an African-American citizen and a registered voter whose address is 1111 South Akard St., Unit 310, Dallas, TX 75215. Plaintiff HAMIL TON resides in current District 30 and under the State's Plan would reside in proposed District 30.

11. Plaintiff LYMAN KING is an African-American citizen and a registered voter whose address is 2600 Piazza Court #5, Grand Prairie, TX 75054. Plaintiff KING resides in current District 24 and under the State's Plan would reside in proposed District 6.

12. Plaintiff JOHN JENKINS is an African-American citizen and a registered voter whose address is 6723

Smallwood, Arlington, Texas 76001. Plaintiff JENKINS resides in current District 6 and under the State's Plan would reside in proposed District 33.

13. Plaintiff KATHLEEN MARIA SHAW is an African-American citizen and registered voter whose address is 812 Parkside Drive, Cedar Hill, TX 75104-3144. She resides in the current 24th Congressional District and under the State's Plan would reside in Congressional District 30.

14. Plaintiff DEBBIE ALLEN is an African-American citizen and a registered voter whose address is 1514 Pleasantville Drive, Houston, TX 77029. She resides in the current Congressional District 18 and under the State's Plan would reside in proposed District 18.

15. Plaintiff JAMAAL R. SMITH is an African-American citizen and a registered voter whose address is Windriver Park Townhomes, 3901 Woodchase Drive Unit 36, Houston, Texas 77042. He resides in the current Congressional District 9 and under the State's Plan would reside in proposed District 9.

16. Plaintiff SANDRA PUENTE is an Hispanic citizen and a registered voter whose address is 608 Wainwright Street, Houston, TX 77022. She resides in the current Congressional District 29 and under the State's Plan would reside in proposed District 29.

17. Defendant RICK PERRY is the Governor of the State of Texas and chief executive officer of the State of Texas. Defendant PERRY is sued in his official capacity.

18. Defendant JOHN STEEN is Texas Secretary of State. Defendant STEEN is sued in hIS official capacity. Defendant STEEN is responsible for administering and supervising the elections of United States Representatives from the State of Texas.

IV. Facts

Reapportionment

19. Every ten years, under 2 U.S.C. § 2a, the President of the United States must transmit to Congress a statement showing the number of persons in each state and the number of representatives to which the state is entitled. These figures are tabulated according to the federal decennial census.

20. On or about December 21, 2010, the Secretary of Commerce of the United States reported to the President of the United Sates the tabulation of population for each of the fifty states, including the State of Texas, as determined in the 2010 decennial census.

21. Under 13 U.S.C. § 141, commonly referred to as—Public Law 94-171,I the Secretary of Commerce was required, by April 2, 2011, to complete, report, and transmit to each state the detailed tabulations of population for specific geographic areas within each state. States ordinarily use the P.L. 94-171 data to redraw Congressional districts.

22. The United States Bureau of the Census delivered to Texas Governor Rick Perry and the leaders of the

Texas legislature the official Census 2010 Redistricting Data Summary File pursuant to P.L. 94-171.

23. Because of demographic changes recorded in the 2010 U.S. census, Texas received four additional congressional districts during this reapportionment. The four additional seats gave Texas a total allotment of 36 congressional seats.

24. The demographic changes that occurred in Texas and were recorded in the 2010 U.S. census were driven by explosive growth in the state's Hispanic and African-American populations. Hispanic growth was responsible for 65% of the state's population growth, and non-Anglo population accounted for approximately 90% of the State's overall population growth. The Latino population grew at 10 times the rate of the Anglo population, and the African American population grew at more than 5 times the rate of the Anglo population.

25. Today, Texas is a majority-minority state; only 45% of its total population is Anglo.

The Voting Rights Act

26. Section 2 of the Voting Rights Act, 42 U.S.C. §1973 prohibits any new redistricting plan that dilutes the voting strength of minority communities. Where minority communities have diminished opportunity to elect candidates of their choice, their voting strength has been diluted, and so unlawfully abridged under Section 2 of the Act.

27. On September 25, 1975, the Voting Rights Act of 1965 was extended and amended to cover the State of Texas. State and political subdivisions covered by the Act must comply with certain procedures under the Act, as amended, 42 U.S.C. §1973(c). Among them was the Section 5 preclearance requirement that certain States and political subdivisions must show that any new redistricting plan—does not have the purpose and will not have the effect of denying or abridge the right to vote on account of race or color or membership in a language minority group. To make this showing, Texas was required to demonstrate that those drafting its redistricting plan did not possess racially discriminatory intent, and that the adopted plan did not cause a retrogressive effect with respect to minority voting strength.

28. On June 25, 2013, the Supreme Court decided *Shelby County v. Holder*, 570 U.S. ___, 2013 WL 3184629 (U.S. June 25, 2013) (No. 12-96). In *Shelby County*, the Supreme Court held that the coverage formula in Section 4(b) of the Voting Rights Act, as reauthorized by the Voting Rights Act Reauthorization and Amendments Act of 2006, is unconstitutional and "can no longer be used as a basis for subjecting jurisdictions to preclearance" under Section 5 of the Act. *See* slip. op. at 24. The Supreme Court indicated it was issuing no holding on Section 5 itself, only on the coverage formula. *Id.* Consequently, Texas is no longer a covered jurisdiction as defined in Section 4 of the Act.

The Racially Discriminatory Redistricting Process in Texas in 2011

29. The State's 2011 Redistricting Plan was developed without any meaningful input from the minority population's representatives of choice or the general public. During the regular legislative session, for example, only one hearing on congressional redistricting was convened in the House redistricting committee and only one hearing was convened in Senate redistricting committee. No plan was presented in either hearing. Thus, there were no opportunities for members of the general public or representatives of communities of color to have any input into the development of the State's 2011 Plan.

30. Legislators who represent communities of color were not permitted to discuss the plan with Republican leadership until after that leadership had already agreed to a map. Governor Perry signaled that this exclusion was intentional in discussions with a Texas Tribune reporter. On May 28, 2001, the Tribune reported that Governor Perry would only call legislators back into special session—when they get to an agreed bill.

31. Minority members of the House and Senate, and minority members of the two legislative redistricting committees, never saw the state's 2011 plan until it was made public on Tuesday, May 31, 2011.

32. Despite the absence of meaningful participation for officials representing minority communities, the Texas Legislature enacted the plan into law on June 15, 2011.

The Pre-2011 Baseline Map

33. The congressional map that existed as of 2010 ("C100") was a thirty-two district map that had eleven districts in which minority voters had successfully elected candidates of choice within the past decade.

34. Of the eleven minority opportunity districts in C100, seven were effective Hispanic opportunity districts. Those Districts were: 15th – Hinojosa; 16th – Reyes; 20th – Gonzalez; 23rd – Canseco; 27th – Farenthold; 28th – Cuellar; and the 29th – G. Green.

35. Although Districts 23 and 27 in Plan C100 did not elect the Hispanic candidate of choice in the 2010 election, they did elect the Hispanic candidate of choice in every previous election.

36. Of the eleven existing minority opportunity districts in Plan C100, three were effective African-American opportunity districts. Those Districts are: 9th – A. Green; 18th – Jackson Lee; and the 30th – Johnson.

37. Of the eleven existing minority opportunity districts, one district allowed a coalition of minority voters and like-minded Anglo voters to elect a candidate of choice. That District is the 25th – Doggett.

The State's Proposed 2011 Map (C185), Viewed Statewide

38. Under the State's 2011 proposed Congressional plan (C185), Anglo voters would have controlled 72% of Texas' congressional districts and three of the four new congressional districts.

39. Under Plan C185, only ten districts provided minority voters with an effective opportunity to elect candidates of choice, one less than the previous plan (C100). This was so, despite the four additional congressional seats that Texas received as a direct result of the explosive population growth in Texas's Latino and African American communities.

40. Under the State's 2011 Plan (C185), Districts 34 and 35 were not "new" Hispanic opportunity districts, as State officials claimed.

41. District 34 as drawn in Plan C185 replaced an existing effective Hispanic opportunity district, District 27. District 34 was drawn in the State's Plan apparently because alterations to District 27 shifted control of the District from Latino voters to Anglo voters. Thus, District 34 was not a "new" Hispanic district; it was a replacement district for District 27, which was converted to an Anglo-dominated district.

42. Under Texas' 2011 plan (C185), District 35 replaced District 23, which was transformed from an effective Hispanic opportunity district to an Anglo-controlled district by including high turnout Anglo precincts into the district. The shift was effected by exchanging selected precincts in Bexar and El Paso Counties, and by extending District 23 across the Franklin Mountains into the west side of El Paso. As explained by Dr. Henry Flores at trial in Perez v. Perry, No. 11-cv-360 (see Trial Tr. 450:19-454:11, Sept. 7, 2011), Hispanic voter turnout was higher in areas moved out of the district than in areas

that were moved in; turnout in some excluded areas was consistently over 30%, while turnout in areas that replaced them was only 25-30%). The changes were made by the State in its 2011 plan with an intent to "nudge" a district that was an ability district, but barely so, to a nonperforming district. Even Texas's expert testified in this case that CD 23 under Plan C185 "is probably less likely to perform than it was, and so I certainly wouldn't count and don't [and] haven't counted the 23rd as an effective minority district in the newly adopted plan." See Trial Testimony of Dr. John Alford (Trial Tr. 1839:2-7, Sept. 14, 2011, *Perez*, No. 11-cv-360). Thus, CD 23 was an ability to elect district in the benchmark plan (Cl00), but would not have been an ability to district under Plan C185.

43. Even if the State's 2011 plan (C185) had maintained the number of minority opportunity districts at eleven, doing so despite the addition of four new congressional seats in the face of the dramatic population growth constituted unlawful retrogression and dilution. Minority voters in Texas under the pre-2011 plan (Cl00) were able to elect their preferred candidate of choice in 11 of the 32 districts (or 34.4%) of the districts. Even if the State of Texas had maintained all eleven of these effective minority districts in Pan Cl85, minorities would only have been able to elect their preferred candidate of choice in 11 of 36 districts (or 30.5%). Under the State's 2011 Plan, minority voters would only have been able to elect the candidate of choice in ten congressional districts, or 27.7% of the districts.

The State's Proposed 2011 Congressional Map (C185), Viewed Regionally

44. The State's proposed 2011 Congressional redistricting plan (C185) created egregious electoral disparities in North Texas. In the Dallas-Ft. Worth region, comprised of Dallas and Tarrant Counties, 2.1 million Hispanics and African-Americans comprise 52% of the population. The State's Plan provided these minority communities with the opportunity to elect only one candidate of their choice out of eight congressional districts in this region of the State, or 12.5% of the locality's representatives. None of the five districts that include all or part of Tarrant County provided an effective electoral opportunity for Hispanic or African-American voters. The under-representation of minority voters in the Dallas-Ft. Worth region under the state's proposed 2011 plan (C185) is stark given that the area lost 156,742 Anglos between 2000 and 2010, while gaining 600,000 Hispanics and African-Americans during that period, according to the 2010 Census. Under the State's 2011 Plan, Anglos only comprised 41.2% of the Dallas Fort Worth region but controlled 87.5% of the congressional districts in that area.

45. Under the State's proposed 2011 Congressional redistricting plan, some of the Dallas-Fort Worth area's 1.4 million Hispanics were packed into District 30 while the rest of the Hispanic population in that region was fractured among seven different congressional districts. Splits of the Hispanic population occurred between Districts 6 and 30 and in addition, other Hispanic neighborhoods were shifted into heavily Anglo Districts 5,

24, 26, 32 and 33; and African-American voters in the Dallas-Fort Worth region were fractured among Districts 33, 12, and 26. To effect this disenfranchisement and dilution of minority voters, the State's 2011 Congressional redistricting plan twisted electoral boundaries into incoherent and bizarre configurations.

46. The State's 2011 Congressional redistricting plan (C185) did not increase the number of effective Hispanic opportunity districts in South Texas. The previous map (C100) contained six effective Hispanic opportunity districts in the South Texas-border region: 15th - Hinojosa; 16th - Reyes; 20th - Gonzales; 23th - Canseco; 27th - Farenthold; 28th - Cuellar. Under the State's 2011 proposed Map (C185), District 27 was converted to a Coastal Bend and rural district that is controlled by Anglo voters; and District 23's Latino voting strength was diluted in much the same fashion as found unconstitutional by the Supreme Court in *LULAC v. Perry*: District 23 in Plan C185 was transformed from an effective Hispanic opportunity district to an Anglo-controlled district by including high turnout Anglo precincts into the district. District 35 in Plan C185 was purportedly created as an effective Hispanic opportunity district to offset the loss of District 23.

47. The State's 2011 Congressional redistricting plan (C185) showed utter disregard for communities of interest in the South Texas region. In San Antonio and El Paso, radically altered congressional district lines shifted the fast-growing Hispanic population into new districts. These shifts severed Latino voters from their existing elected representatives of choice and dispersed minority

populations across new districts. In San Antonio, minority populations were split across Districts 20, 29, and 35. In El Paso, the minority population was split along the District 23 line.

48. The State's proposed 2011 Congressional redistricting plan (C185) also did not fairly reflect the Hispanic population growth in Harris County. Between 2000 and 2010, Harris County lost 82,000 Anglos, gained 552,000 Hispanics, and added over 134,000 African-Americans. Despite this minority population growth and Anglo population loss, the State's 2011 Congressional redistricting plan fractured the minority community and failed to afford them with any new opportunities to effectively participate in the political process. In addition to District 29, the State's Plan in the Harris County area significantly altered other congressional district lines, splitting Hispanic communities across Districts 7, 9, and 18.

49. The State's proposed 2011 Congressional redistricting plan (C185) effected egregious district splits in Travis County also. Under the State's Plan (Cl85), Travis County was divided into five districts—Districts 10, 17, 21, 25, and 35—none of which contained a majority of Travis County residents. District 10 remained dominated by suburban Harris County voters under Plan C185, and included part of the African-American community in Northeast Austin. District 17 submerged a majority-minority portion of Travis County into a Waco-based congressional district. District 21 entered Travis County from the south, pulling the Capitol and University of Texas into a district controlled by suburban Bexar

County. And District 25 now stretches 200 miles, capturing part of Travis County into a congressional district that stretched so far north that it included severalprecincts in Tarrant County.

50. In addition to diluting the voting strength of Travis County voters and the coalition of minority and Anglo voters who had elected their preferred candidate of choice to Congress under Plan C100 in District 25 (Rep. Doggett), the State's proposed 2011 Congressional redistricting plan (Cl85) also disregarded local precincts in the area. For example, Travis County Commissioner's Precinct one, which contains most of the County's African-American population, was split among four of the congressional districts under Plan C185.

51. The State's proposed 2011 Congressional redistricting plan (C185) also split all four rural counties immediately east and southeast of Austin, and split Hays County three ways.

The Court-Ordered Interim Plan (C235)

52. Because the State's proposed 2011 Congressional plan had not received Section 5 preclearance, on February 28, 2012, this three-judge Court ordered into effect an interim redistricting plan (Plan C235). In doing so, the Court stated that the interim plan was "a result of preliminary determinations regarding the merits of the Section 2 and constitutional claims presented in this case, and application of the 'not insubstantial' standard for the Section 5 claims, as required by the Supreme Court's decision in *Perry v. Perez*." (Dkt. #681).

53. This Court's March 19, 2012 Memorandum Opinion (Dkt. #691) made clear that the court-ordered interim plan was not a final ruling and the plan was imposed on a preliminary basis. The Court stated:

> "Both the § 2 and Fourteenth Amendment claims presented in this case involve difficult and unsettled legal issues as well as numerous factual disputes. It is especially difficult to determine whether a claim has a likelihood of success when the law is unsettled, as many areas of § 2 law are. Further, both the trial of these complex issues and the Court's analysis have been necessarily expedited and curtailed, rendering such a standard even more difficult to apply. The Court has attempted to apply the standards set forth in *Perry v. Perez*, but emphasizes that it has been able to make only preliminary conclusions that may be revised upon full analysis."

(Dkt. #691 at 1-2).

54. The court-approved interim plan (C235) was "a compromise plan" originally offered to the Court as Plan C226 by the Latino Redistricting Task Force plaintiffs, and the Canseco and Cuellar Intervenors. The State of Texas consented to this Court's adoption of that Plan. This Court made technical corrections to Plan C226, noting that the Texas Legislative Council had identified "what appear to be inadvertent intrusions of congressional districts into six different counties. These intrusions consist of either one or at most several census blocks and all contain either no people or very few people." (Dkt. #691 at 29-30).

55. The interim plan (Plan C235) was implemented in the 2012 elections. Those election results can be used to assess the interim plan and, along with other evidence, inform this Court's decision with respect to whether the interim plan meets the requirements of federal law (Section 2 of the Voting Rights Act) and the United States Constitution.

The Texas Legislature's Redistricting Process Used in the 2013 Special Session Was Infected With Intentional Discrimination

56. On May 27, 2013, Governor Perry announced a special session in which the legislature would consider adopting and enacted the Court's interim plans. The Governor's call limited the special session to adoption of the interim plans "as is" and thus did not contemplate amendments or changes to the interim plans that would address constitutional or statutory flaws in the interim plans.

57. The Legislature followed the Governor's instructions precisely, not allowing a single change of any type in the interim congressional plan. Numerous alternative plans repair all or some of the violations in the interim plan and were brought to the attention of the Texas Legislature in the special session. Each one of these alternatives – even those calling for very minor technical changes – was rejected. Moreover, at field hearings held by the Legislature, hundreds of Texas citizens testified *against* adoption of the interim plan and made specific requests for changes that would have repaired flaws and violations in those plans. The testimony of all witnesses calling for changes – large or small – was rejected without

serious consideration or deliberation, demonstrating that those hearings were a sham.

58. During the special session, advocacy groups and elected officials representing minority communities pointed out to the Texas Legislative leaders the statutory and constitutional flaws still present in Plan C235, and urged that these flaws be corrected.

59. On June 1, the Texas legislature enacted Plan C235, the interim Congressional plan, without change. The enacted plan failed to correct the Voting Rights Act and constitutional flaws in the plan.

60. The Texas Legislature's failure to create a new Latino opportunity district in the Dallas-Fort Worth region is a remnant and perpetuation of the state's intent to discriminate against and dilute the voting strength of Latino voters that persists in the 2013 enacted Congressional plan.

61. The Texas Legislature's failure to remedy the intentional cracking of a cohesive community of color in the congressional plan in the Austin area is a remnant and perpetuation of the state's intent to discriminate against voters of color that persists in the 2013 enacted Congressional plan.

62. The Texas Legislature's failure to remedy the intentional carving apart of CD 30, including removal of economic engines and historically active communities important to voters in the district, is a remnant and perpetuation of the state's intent to discriminate against

voters of color that persists in the 2013 enacted Congressional plan.

63. The redistricting process used in the special session to adopt Plan C235 was infected with intentional discrimination against racial and language minority persons.

The State's Proposed 2013 Map (C235), Viewed Statewide

64. Under interim Plan C235, minority voters elected their candidate of choice in 12 districts. In eight of these districts Latino voters elected their candidate of choice: District 15 - Hinojosa, District 16 - O'Rourke, District 20 - Castro, District 23 - Gallego, District 28 - Cuellar, District 29 - G. Green, District 3 - Vela and District 35 - Doggett. In four of these districts, African-American voters elected their candidate of choice: District 9 - A. Green, District 18 - Jackson Lee, District 30 - E. B. Johnson and District 33 - Veasey. There are no other districts under Plan C235 where minority voters can reasonably be expected to elect their candidate of choice to Congress throughout the remainder of the decade.

65. Anglos make up only 45.3 percent of total Texas population and 49.5 percent of the state's voting age population, yet under Plan C235 Anglos easily control 24 out of 36 (over 66 percent) of the state's congressional districts.

66. Latino and African American population growth in Texas over the previous decade accounted for 90 percent of the new Texas population and was responsible for all

four of the new Texas districts being added through allocation. African-Americans make up 11.5 percent of state's voting age population and are sufficiently concentrated and vote cohesively, thereby justifying the retention of four districts (11.1 percent of districts) controlled by African-American voters. Latinos make up 33.6 percent of the state's voting age population and 25.5 percent of the state's citizen voting age population. The eight Latino ability to elect districts under Plan C235 make up only 22.2 percent of the 36-seat delegation. To fairly reflect the state's Latino population growth and the Latino population, at least one additional effective Latino district should be configured. Alternative plans submitted by the Quesada plaintiffs as well by other plaintiffs demonstrate that Texas congressional districts within Plan C235 can be reconfigured to include: four African-American 'ability to elect' districts; nine Latino 'ability to elect' districts; and a Travis County-based cross-over district similar to CD25 in benchmark plan C100.

The State's Proposed 2013 Map (C235), Viewed Regionally

Congressional District 33 In The Interim Plan

67. The 2012 election results showed that, as had been contended by the Quesada plaintiffs from the outset of this case (see Quesada First Amended Complaint (Dkt. #84-1 at ¶s 45, 46 and 56), the African-American population in the Dallas-Fort Worth region was sufficiently large and geographically compact to support the creation of a second African-American ability to elect district in that area (in addition to the pre-existing District (CD 30) held by Congresswoman Eddie Bernice Johnson). In the 2012 elections, African-American voters

in District 33 demonstrated an effective ability to elect their preferred candidate of choice to Congress, African-American Marc Veasey (one of the original plaintiffs in the *Quesada v. Perry* suit). African-American candidate Veasey was the overwhelming candidate of choice of African American majority in both the Democratic primary and runoff elections. In both the primary and runoff, African-American voters comprised a majority of the voters in CD 33 who cast ballots (63% in the primary and 53% in the runoff). Veasey prevailed in the general election, with an estimated 99% of the African American voters casting their ballots for Veasey and an estimated 95% of Hispanics doing so.

68. Although CD 33 performed as an African American ability to elect district in the 2012 election cycle, the minority population in the DFW region remains fractured, containing large pockets of minority population that are stranded in districts dominated by Anglo bloc voters. So while the interim plan did rearrange the DFW region, the State's intentional fracturing of the minority population was not fully addressed and cured. Indeed, it is possible, as the Quesada plaintiffs (and others) have demonstrated in their alternative plans, to create in the DFW region two African-American ability to elect districts and a third district which would provide Latino voters with an effective ability to elect their preferred candidate.

69. The court-ordered interim plan, while an improvement over the state's 2011 enacted plan (C185), still contains several features that dilute minority voting

strength and are remnants or perpetuate the state's intentional discrimination against minority voters.

Fracturing of Nueces County and Congressional District 27 In The 2013 Plan

70. For example, nearly 200,000 Hispanics in Nueces County remain stranded in an Anglo-dominated district, whereas they previously (*i.e.*, pre-2011) were within an effective ability to elect Hispanic district (CD 27) under the benchmark plan (C100). Although Texas replaced CD 27 with CD 34, it exiled the large politically cohesive Hispanic population in Nueces County into districts where they no longer have an effective ability to elect their preferred candidate. The overall effect of this intentional fracturing of the Hispanic population in Nueces County is perpetuated in the court-ordered interim plan and is one reason that the interim plan does not overall fairly reflect Hispanic voting strength in the state.

Congressional District 23 In The State's 2013 Plan

71. As this Court correctly observed in its Memorandum Opinion when it imposed Plan C235, the Plaintiffs' claims that the State of Texas reduced minority voting strength in Congressional District 23 were not insubstantial. Accordingly, this Court altered District 23 in the interim map. To be sure, District 23 in the State's 2013 interim plan (C235) improved the opportunity for Hispanic voters than existed under the State's proposed plan (C185). But the interim plan did not restore District 23 to the same level of Hispanic voting strength as existed in the benchmark plan (C100). While this Court concluded that Congressional District 23 in the interim plan "has

been sufficiently restored to benchmark level," it observed that "the margin of victory has slightly decreased." (Dkt. #691 at 32). Moreover, this Court observed that Texas' own analysis of Congressional District 23 in Plan C235 showed that election performance for Hispanics has been restored to the benchmark level "in 3 out of 10 racially contested exogenous general elections." Thus, in 7 of 10 exogenous general elections, Hispanic voting strength had not been restored to benchmark levels in CD 23. Furthermore, the voters in Congressional District 23 under the benchmark map (C100) were the victims of intentional discrimination and the full remedy for that discrimination is to put them back into the district that would have existed but for the State's discrimination, and the 2013 plan (C285) does not do that.

72. This Court did not decide the intent claims and expressly noted that its interim plan did not address these claims with respect to District 23 or other districts. Because Congressional District 23 was purposefully diluted by the State in 2011 and the interim plan only partially restores and fails to fully remedy that intentional discrimination and dilution, Congressional District 23 as drawn in the 2013 plan should be changed to restore Hispanic voting strength and cure Texas' purposeful discrimination against Hispanic voters.

Congressional District 25 In The State's 2013 Plan

73. In Travis County, the State of Texas purposefully dismantled crossover District 25 in its 2011 plan (C185). Plan C185 contained egregious district splits in Travis County. Under the State's Plan, Travis County is divided into five districts—Districts 10, 17, 21, 25, and 35—none

of which contains a majority of Travis County residents. Minority voters were treated like 'spare parts', and many were stranded in districts controlled by Anglo voters, thereby diluting the voting strength of Travis County voters and the coalition of minority and Anglo voters who had elected their preferred candidate of choice to Congress (Rep. Doggett). The interim plan perpetuates this fracturing and fails to remedy the purposeful destruction of CD 25. While the interim plan does contain a new majority Hispanic district that runs from Travis County to Bexar County, alternative configurations and plans are available which restore the coalition of minority and Anglo voters in Travis County and create a new Hispanic opportunity district in the I-35 corridor south and east of Austin down to San Antonio.

Count I

74. Plaintiffs re-allege the facts set forth in paragraphs 1 through 73, above.

75. The 2011 Congressional redistricting plan violates Section 2 of the Voting Rights Act, as amended, 42 U.S.C. § 1973. That plan results in a denial or abridgement of the right to vote of individual plaintiffs on account of their race, color, or ethnicity, by having the effect of canceling out or minimizing their individual voting strength as minorities in Texas. The Congressional redistricting plan passed by the Texas Legislature in 2011 did not afford individual plaintiffs an equal opportunity to participate effectively in the political process and to elect representatives of their choice, and denies individual plaintiffs the right to vote in elections without

discrimination of race, color, or previous condition of servitude in violation of 42 U.S.C. §1973.

Count 2

76. Plaintiffs re-allege the facts set forth in paragraphs 1 through 73, above.

77. The interim plan (C235) violates Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, in that, under the totality of the circumstances, Plaintiffs and minority voters are denied an equal opportunity to participate effectively in the political process and to elect candidates of their choice to the U.S. House of Representatives. The State's Congressional Plan also violates Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, because it fails to cure features of Texas' enacted plan (C185) that intentionally discriminated against minority voters.

Count 3

78. Plaintiffs re-allege the facts set forth in paragraphs 1 through 73, above.

79. The 2011 Congressional redistricting plan adopted by the Texas Legislature was developed in such a way and with the intent to disadvantage African-American and other minority voters, including Plaintiffs herein. That intentional discrimination is a violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, the Fifteenth Amendment of the United States Constitution, and 42 U.S.C. § 1983.

Count 4

80. Plaintiffs re-allege the facts set forth in paragraphs 1 through 73, above.

81. The interim plan (C235) violates the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the United States Constitution because it perpetuates the intentional fracturing of politically cohesive minority voters and the intentional dilution of minority voting strength that characterized the state's 2011 enacted plan (Cl85). Plan C235 discriminates against African-American and Hispanic persons by denying Plaintiffs and minority voters an equal opportunity to participate in the political process and to elect candidates of their choice to the U.S. House of Representatives.

Count 5

82. Plaintiffs re-allege the facts set forth in paragraphs 1 through 73, above.

83. The interim plan (C235) violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution because the State of Texas has adopted a plan that intentionally allows Anglo voters to dominate certain districts, but rejects the creation of districts in which black or Latino voters would dominate districts unless those districts cross a numerical population threshold of 50%. In some instances, for example, the State of Texas has regarded a minority district as protected under the Voting Rights Act even if none of the racial or language minority groups within it does not cross the 50% threshold, while at the same time

rejecting the creation of additional black or Latino districts because they do not exceed the 50% population threshold. This differential treatment of voters violates the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the United States Constitution.

V. Prayers for Relief

WHEREFORE, Plaintiffs respectfully pray that this Court:

1. Maintain jurisdiction over this action;

2. Issue a declaratory judgment, pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rules of Civil Procedure Rule 57, declaring that both the 2011 Congressional redistricting plan and the State of Texas' adoption of the congressional plan in 2013 (C235) was undertaken with an intent to discriminate against racial and language minorities in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, and in violation of the Equal Protection Clause of the Fourteenth and Fifteenth Amendment;

3. Issue a declaratory judgment, pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rules of Civil Procedure Rule 57, declaring that the congressional redistricting plans adopted by the Texas Legislature in 2011 and in the special session in June 2013 dilute the voting strength of minority voters in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, and in violation of the Equal Protection Clause of the Fourteenth and Fifteenth Amendment;

4. Issue preliminary and permanent injunctions enjoining the Defendants, their agents, employees, and those persons acting in concert with them, from enforcing or giving any effect to the proposed congressional district boundaries as enacted by the Texas Legislature in 2011 and 2013, including enjoining Defendants from conducting any future elections for the U.S. House of Representatives based on the state's 2013 congressional redistricting Plan;

5. Grant relief pursuant to Section 3(c) of the Voting Rights Act, 42 U.S.C. § 1973a(c) based on findings that State of Texas continues to engage in acts of intentional voting discrimination, including the State of Texas's adoption in 2011 and 2013 of Congressional redistricting;

6. Retain jurisdiction for such period as it may deem appropriate and during such period require that Defendants and the State of Texas not enforce any voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting different from that in force or effect at the time this proceeding was commenced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the voting guarantees set forth in section 1973b(f)(2) of this title;

6. Make all further orders as are just, necessary, and proper to ensure complete fulfillment of this Court's declaratory and injunctive orders in this case;

7. Issue an order requiring Defendants to pay Plaintiffs' costs, expenses and reasonable attorneys' fees incurred in the prosecution of this action, as authorized by the Civil Rights Attorneys' Fees Awards Act of 1976, 42 U.S.C. § 1988 and 42 U.S.C. 1973-1(e); and

8. Grant such other and further relief as it deems proper and just.

Respectfully submitted,

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, *et al.*,	)	
	)	
Plaintiffs,	)	**CIVIL ACTION NO.**
	)	**SA-11-CA-360-OLG-**
	)	**JES-XR**
	)	**[Lead case]**
v.	)	
	)	
STATE OF TEXAS, *et al.*,	)	
	)	
Defendants.	)	
	)	
	)	
MEXICAN AMERICAN LEGISLATIVE CAUCUS, TEXAS HOUSE OF REPRESENTATIVES (MALC),	)	**CIVIL ACTION NO.**
	)	**SA-11-CA-361-OLG-**
	)	**JES-XR**
	)	**[Consolidated case]**
	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
STATE OF TEXAS, et al.,	)	
	)	
Defendants.	)	
	)	

TEXAS LATINO REDISTRICTING TASK FORCE, et al.,	)	**CIVIL ACTION NO. SA-11-CV-490-OLG-JES-XR**
Plaintiffs,	)	**[Consolidated case]**
v.	)	
RICK PERRY,	)	
Defendant.	)	
MARAGARITA V. QUESADA, et al.,	)	**CIVIL ACTION NO. SA-11-CA-592-OLG-JES-XR**
Plaintiffs,	)	**[Consolidated case]**
v.	)	
RICK PERRY, *et al.,*	)	
Defendants.	)	
JOHN T. MORRIS,	)	**CIVLACTION NO. SA-11-CA-615-OLG-JES-XR**
Plaintiff,	)	**[Consolidated case]**
v.	)	

STATE OF TEXAS, et al.,	)	
Defendants.	)	
	)	
EDDIE RODRIGUEZ, et al.	)	**CIVIL ACTION NO. SA-11-CA-635-OLG-JES-XR**
Plaintiffs,	)	**[Consolidated case]**
v.	)	
RICK PERRY, et al.,	)	
Defendants.	)	

THIRD AMENDED COMPLAINT OF PLAINTIFF-INTERVENORS TEXAS STATE CONFERENCE OF NAACP BRANCHES, *ET AL.*

1. This is an action to enforce NAACP Plaintiff-Intervenors' rights under the Fourteenth Amendment and Fifteenth Amendment to the United States Constitution and under Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 et seq. NAACP Plaintiff-Intervenors, an association and individual registered voters, bring this action requesting declaratory and injunctive relief against the State of Texas to challenge both the 2011 redistricting plans for the Texas Congressional districts and the Texas State House districts and the 2013 plans for the same

bodies. Both of the 2011 and 2013 redistricting plans dilute the voting strength of African-American and Latino voters because, under the totality of circumstances, African-American and Latino voters do not have an equal opportunity to elect candidates of their choice to the United States Congress or the Texas House of Representatives. The 2011 redistricting plans were also heavily infected with an intent to discriminate, on the basis of race and ethnicity, against African-American and Latino voters, in violation of both the Voting Rights Act and the Fourteenth Amendment to the United States Constitution. The 2013-enacted plans retain many of the constitutional violations that were present in the 2011 redistricting plans. Although Texas appears to no longer desire to implement the 2011 plans, without a ruling from this Court on the 2011 plans, Texas would be free to continue its racially-discriminatory behavior in the future. Furthermore, absent corrective action from this Court, the 2013 redistricting plans will continue to dilute the voting strength of Texas' African American and Latino citizens and deny them fair representation in these governing bodies. NAACP Plaintiff-Intervenors seek the implementation of Congressional and State House redistricting plans that will not dilute the voting strength of African-American voters in Texas. NAACP Plaintiff-Intervenors also seek costs and attorneys' fees.

I. JURISDICTION

2. Plaintiff-Intervenor's complaint arises under the United States Constitution and federal statutes. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), and 42 U.S.C. § 1988.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

4. Plaintiff-Intervenors seek declaratory and injunctive relief pursuant to 28 U.S.C. § 2201 and 2202.

II. PARTIES

5. Plaintiff the Texas State Conference of NAACP Branches is an association of local chapters of the NAACP. It shares the mission of the national NAACP: to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination. The Texas State Conference has previously participated in redistricting litigation in state and federal courts at all levels.

6. Plaintiff Howard Jefferson resides at 4402 Nenana Drive, Houston TX, 77035. A resident of Harris County, he is a member of the Texas State Conference of NAACP Branches and is a registered voter. He lived in State House District 146 in the 2001 state house redistricting plan, in State House District 146 in the 2011 plan, in State House District 146 in the court-ordered interim house plan in use for the 2012 elections, and remains in State House District 146 in the Texas' newly enacted state house redistricting plan.

7. Plaintiff Juanita Wallace resides at 1409 S. Lamar Street, Loft 341, Dallas TX, 75215. A resident of Dallas County, she is the President of the Dallas Branch of the NAACP and is a registered voter. She lives in current Congressional District 30. She lived in State House District 100 in the 2001 state house redistricting plan, in

State House District 100 in the 2011 plan, in State House District 100 in the court-ordered interim house plan in use for the 2012 elections, and remains in State House District 100 in the Texas' newly enacted state house redistricting plan.

8. Plaintiff Rev. Bill Lawson resides at 4042 Glen Code Drive, Houston TX, 77021. A resident of Harris County, he is a member of the NAACP and a registered voter. He is Pastor Emeritus of Wheeler Avenue Baptist Church, and both a long-time civil rights leader and an advocate for the indigent and homeless in Houston. He lives in current Congressional District 18. He lived in State House District 146 in the 2001 state house redistricting plan, in State House District 147 in the 2011 plan, in State House District 147 in the court-ordered interim state house plan in use for the 2012 elections, and remains in State House District 14 in the Texas' newly enacted state house redistricting plan.

9. Defendant the State of Texas is a political subdivision covered under the provisions of the Voting Rights Act and responsible for the actions of its officials with regard to state-wide redistricting.

10. Defendant Rick Perry is the duly elected and acting Governor of the State of Texas. Under Article IV, Section 1, of the Texas Constitution, he is the chief executive officer of the Defendant State of Texas. He is sued in his official capacity.

11. Defendant David Dewhurst is duly elected and acting Lieutenant Governor of Texas. Under Article IV,

Section 16, of the Texas Constitution he is the President of the Texas Senate. He is sued in his official capacity.

12. Defendant Joe Strauss is the duly elected and acting Speaker of the Texas House of Representatives and is the presiding officer over the Texas House of Representatives. He is sued in his official capacity.

13. Defendant Hope Andrade is the duly appointed and acting Secretary State of the State of Texas. She is sued in her official capacity.

III. FACTS

14. The Texas State Conference of NAACP Branches is a non-profit, non-partisan membership organization and has previously been involved in redistricting cases at all levels. The State Conference, its branches and its members have also presented testimony to legislative bodies on various state and local election schemes and/or redistricting plans

15. Section 2 of the Voting Rights Act of 1965, 42 U.S.C. 1973, applies nationwide and prohibits voting practices and procedures that result in the denial or abridgement of the right of any citizen to vote on account of race, color, or membership in a language minority group. Section 2 is a permanent provision of the federal Voting Rights Act.

16. After the last decennial census, the Texas Congressional apportionment increased from 32 representatives to 36 representatives, due to an overall population increase of 20.6% (more than twice the average rate of growth nationally). Approximately 89% of the

population growth in Texas in the past decade—growth that resulted in our State's right to 4 additional Congressional representatives—is a result of minority population growth. Both Latino and African-American growth eclipsed Anglo growth in both percentage and raw numbers—Latino growth represented 65% of the state's population growth, the African-American population grew 22%, and the Anglo population grew just 4.2%. Texas is now a majority-minority state—only 45% of the state's total population is Anglo.

17. Proportionally, voters of color in Texas are underrepresented in the U.S. House of Representatives, in both the 2011 and the 2013 plans.

18. During the 2011 redistricting process, the Texas State Conference of NAACP Branches submitted to the Texas Legislature a plan that created a new African-American opportunity seat and a new Latino opportunity seat in the Dallas-Fort Worth area, but the request to create this district was denied. The population growth in the Dallas-Fort Worth area amply justified the creation of two new Congressional minority opportunity districts in the region. The 2011 plan did not create any additional minority opportunity districts in the region. The 2013 plan, while incorporating the court-added African-American opportunity district, Congressional District 33, still deprives Latino voters of an opportunity to elect the candidate of their choice in an additional district in the region. As it is, there are no Latino members of Congress representing the Dallas-Fort Worth Metroplex.

19. As drawn in the congressional plan passed by the Texas Legislature, congressional districts in Harris, Fort Bend, Dallas, Tarrant, Travis, Bexar, Hays and Comal Counties all dilute the voting strength of African-American and Latino voters.

20. In the congressional plan passed by the Texas Legislature in 2011, Congressional Districts 9, 18 and 30 were drawn in a way that undermines the ability of African-Americans to effectively participate in the political process in those areas, and intentionally discriminates against voters in those districts. The congressional plan has similar impact on Latinos in those districts who have acted in coalition with African-Americans to further the interests of both communities. The 2013 congressional plan still does not correct all of the detrimental and purposefully discriminatory changes to Congressional District 30—including removal of important economic engines and historical communities—that were present in the 2011 plan.

21. The 2011 Congressional plans unnecessarily split communities of interest, removed important economic engines from the existing Congressional African-American and Latino districts, and were purposefully designed to undermine or frustrate effective and long term voter coalitions in the area.

22. African Americans and Latinos are currently underrepresented in the Texas House of Representatives. In the 2011 redistricting process, the Texas Legislative Black Caucus tendered to the state legislature a plan that provided 4 additional African-American opportunity

districts in the Texas House of Representatives. The new districts created by the Legislative Black Caucus were State House District 26 in Fort Bend and Harris County, State House District 54 in Bell County, State House District 107 in Dallas County, and State House District 114 in Tarrant County.

23. The result of the plans passed by the Texas Legislature in 2011 was that one major political party is the party of minorities and the other major political party is a party of whites.

24. Elections in Texas continue to be racially polarized.

25. African-Americans in Texas generally vote as a group and are politically cohesive.

26. Latinos in Texas vote as a group and are politically cohesive.

27. Latinos and African-Americans in Texas vote as a group and are politically cohesive. Latinos and African-Americans in Congressional District 30, Congressional District 9 and Congressional District 18 vote as a group and are politically cohesive in ensuring the continued character of the districts. Latinos and African-Americans in Tarrant County vote as a group and are politically cohesive. Latinos and African-Americans in Travis, Hays and Bastrop counties vote as a group and are politically cohesive.

28. Anglos in Texas generally vote as a group, are politically cohesive and vote sufficiently as a block to

defeat the preferred candidate of Latino and African-American voters absent fair and equitable majority-minority single member districts. This has been documented by federal and state courts, the United States Commission on Civil Rights and by the United States Congress.

29. The House Committee on Redistricting held a public hearing on June 2, 2011, and the Senate Select Committee on Redistricting held a public hearing on June 3, 2011, both on the state's proposed Congressional redistricting plan. During the approximately 7 hours of testimony for each meeting, every single person except one testified against the proposed Congressional plan. The Texas Legislature passed it despite this opposition and concern for minority voting rights.

30. During the 2011 legislative process, the Texas Legislature had before it plans for the Congressional, State House and State Senate districts that did not dilute the voting strength of African-American and Latino voters, and the legislature rejected those plans for plans that did not afford minority voters an equal opportunity to elect candidates of their choice.

31. Numerous plaintiff groups filed suit in the summer of 2011, challenging the 2011 enacted Congressional, State House, and State Senate plans as violating the Equal Protection Clause of the 14th Amendment and Section 2 of the Voting Rights Act.

32. Because Texas was, during 2011, a covered jurisdiction under Section 5 of the Voting Rights Act of

1965, it was required to obtain federal preclearance before implementing its enacted redistricting plans. Because the state failed to do so in a timely fashion, this three-judge panel in the United States District Court for the Western District of Texas was forced to craft an interim plan to govern the 2012 elections.

33. This Court ordered into effect Congressional Plan C235 and State House Plan H309 on February 28, 2012, based on "preliminary determinations regarding the merits of the Section 2 and constitutional claims presented in this case." (Doc. No. 681). The Court noted, however, that its "preliminary conclusions" "may be revised upon full analysis." (Doc. No. 681).

34. Moreover, following the United States Supreme Court ruling in *Perry v. Perez*, this Court was instructed to pay significant deference to the state's 2011 enacted plans—plans that were deeply infected by an intent to discriminate against and dilute the voting strength of the state's exploding minority population.

35. Months after this Court had issued its order on the interim plans to govern the 2012 elections, a three-judge panel in the United States District Court for the District of Columbia ruled in the Section 5 case before it, where the State of Texas sought preclearance for its 2011 enacted redistricting plans.

36. The D.C. Court made substantial findings regarding the intentional discrimination that infected the process by which the state drew its 2011 redistricting

plans, and the discriminatory effect that resulted in the Congressional and State House plans.

37. With regards to the Congressional plan, the D.C. Court noted that the Department of Justice and Intervenors (many of whom are Plaintiffs in the instant action) presented more evidence of intentional discrimination than the court had room to discuss. *Texas v. United States*, 887 F. Supp. 2d 133, 162 n. 32 (D.D.C. 2012). Specifically, the Court found that the way in which the State had carved apart the Congressional districts being represented by AfricanAmerican members of Congress could be explained only by an intent to discriminate against minority voters in the districts. *Id.* at 160-61.

38. The D.C. Court also cited the failure to draw a new Latino opportunity district in the Dallas-Fort Worth area as evidence of the Texas legislature's deep-seated intent to dilute the voting strength of Latino voters. *Id.* at 162, n. 32.

39. The D.C. Court found that the State House plan would have a demonstrably negative effect on the ability of minority voters to elect the candidates of their choice, so it did not formally address allegations of intentional discrimination in the State House plan. *Id.* at 177. It did, however, note that ample evidence existed and was presented to the court that would support a conclusion that discriminatory intent likewise drove the drawing and enactment of the State House plan. *Id.* at 178.

40. The election results in 2012, in elections under this Court's ordered interim plans, demonstrate that not every statutory and constitutional flaw identified in the 2011 redistricting plans was corrected.

41. While the interim plan did make improvements, including the construction of Congressional District 33 in the Dallas-Fort Worth area, minority voters in that area still have not had the vote dilution they have suffered, nor the harm caused by being subject to unconstitutional intentional discrimination, fully remedied.

42. As urged by the NAACP from the inception of this litigation, the minority population growth in the Dallas-Fort Worth Metroplex was more than sufficient to support an additional, reasonably-compact district in which African-American voters would have an opportunity to elect the candidate of their choice. In the 2012 elections, African-American voters in the region were able to elect their candidate of choice in two districts—CD 30 and new CD33. African-American Congressman Marc Veasey, elected from CD 33 in 2012, received the overwhelming support of black and Latino voters in his November election.

43. There is sufficient Latino population in the Dallas-Fort Worth metroplex to construct a reasonably-compact district in which Latino voters have an opportunity to elect their candidate of choice. This district can be drawn while still maintaining the ability of black voters to elect their candidates of choice in CD 30 and CD 33.

44. The Court-ordered interim plan also did not correct all of the damage done to CD 30 by the Texas legislature in 2011.

45. The Court-ordered interim plan did not reunite the intentionally-cracked African-American and Latino voters in historic East Austin—voters in former CD 25.

46. The interim plan ordered into place for elections to the Texas House of Representatives, like the Congressional interim plan, made some important corrections to statutory and constitutional violations in the 2011 enacted plans, but does not fully remedy those flaws.

47. H309 did remedy the intentional destruction of HD 149, a coalition district in Harris County in which Asian-Americans, African-Americans and Latinos voted cohesively to elect their candidate of choice.

48. H309 did not create any new districts in which African-American voters would have an opportunity to elect their candidate of choice.

49. On May 27, 2013, Governor Perry announced a special session in which the legislature would consider adopting and enacting the Court's interim plans. The Governor's call limited the special session to adoption of the interim plans and thus did not contemplate amendments or changes to the interim plans that would address constitutional or statutory flaws in the interim plans.

50. During the special session, advocacy groups and elected officials representing minority communities pointed out the statutory and constitutional flaws still present in the Court's interim plan, and urged that these flaws needed to be corrected.

51. On June 1 and 3, the legislature enacted the C235, the interim Congressional plan, without change, and it enacted H309, the interim House plan (then H358), with only minor changes, none of which corrected the Voting Rights Act and constitutional flaws in the plan.

52. The challenges brought by the NAACP to the 2011 Congressional and State House Plans are not moot because, absent a ruling from this Court, Texas is free to continue its racially discriminatory redistricting practices. Moreover, many of the intentionally discriminatory elements in the 2011 plans are still present in the 2013 plans.

53. The failure to create a new Latino opportunity district in the Dallas-Fort Worth region is a remnant and perpetuation of the state's intent to discriminate against and dilute the voting strength of Latino voters that persists in the 2013 enacted Congressional plan.

54. The failure to remedy the intentional cracking of a cohesive community of color in the congressional plan in the Austin area is a remnant and perpetuation of the state's intent to discriminate against voters of color that persists in the 2013 enacted Congressional plan.

55. The failure to remedy the intentional carving apart of CD 30, including removal of economic engines and historically-active communities important to voters in the district, is a remnant and perpetuation of the state's intent to discriminate against voters of color that persists in the 2013 enacted Congressional plan.

56. The failure to create any new African-American opportunity districts is a remnant and perpetuation of the state's intent to discriminate against and dilute the voting strength of African-American voters that persists in the 2013 enacted State House plan.

CAUSES OF ACTION

COUNT I

57. The allegations contained in paragraphs 1-56 are alleged as if fully set forth herein.

58. The 2011 Congressional and State House redistricting plans violated Section 2 of the Voting Rights Act, as amended, 42 U.S. § 1973. Those plans result in a denial or abridgement of the right to vote of individual plaintiffs and organizational plaintiff's members on account of their race, color, or ethnicity, by having the effect of canceling out or minimizing their individual voting strength as minorities in Texas. The redistricting plans passed by the Texas Legislature in 2011 did not afford individual plaintiffs and organizational plaintiff's members an equal opportunity to participate in the political process and to elect representatives of their choice, and deny individual plaintiffs and organizational plaintiff's members the right to vote in elections without

discrimination of race, color, or previous condition of servitude in violation of 42 u.s.c. § 1973.

COUNT II

59. The allegations contained in paragraphs 1-58 are alleged as if fully set forth herein.

60. The 2013 Congressional and State House redistricting plans violate Section 2 of the Voting Rights Act, as amended, 42 U.S. § 1973. These plans result in a denial or abridgement of the right to vote of individual plaintiffs and organizational plaintiff's members on account of their race, color, or ethnicity, by having the effect of canceling out or minimizing their individual voting strength as minorities in Texas. The redistricting plans passed by the Texas Legislature on June 1 and 3, 2013, do not afford individual plaintiffs and organizational plaintiff's members an equal opportunity to participate in the political process and to elect representatives of their choice, and deny individual plaintiffs and organizational plaintiff's members the right to vote in elections without discrimination of race, color, or previous condition of servitude in violation of 42 U.S.C. § 1973.

COUNT III

61. The allegations contained in paragraphs 1-60 are alleged as if fully set forth herein.

62. The 2011 redistricting plans adopted by the Texas Legislature were developed with the intent to disadvantage African-American and other minority voters. That intentional discrimination is in violation of the Equal Protection Clause of the Fourteenth

Amendment of the United States Constitution, the Fifteenth Amendment of the United States Constitution, and 42 U.S.C. § 1983.

COUNT IV

63. The allegations contained in paragraphs 1-62 are alleged as if fully set forth herein.

64. The 2013 redistricting plans adopted by the Texas Legislature were developed in such a way and with the intent persisting from the 2011 plans to disadvantage African-American and other minority voters. Specifically, the 2013 redistricting plans retain elements of the 2011 redistricting plans that were undeniably motivated by unconstitutional desires to minimize and exclude the political voice of voters of color in the state. This intentional discrimination is in violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, the Fifteenth Amendment of the United States Constitution, and 42 U.S.C. § 1983.

COUNT V

65. The allegations contained in paragraphs 1-64 are alleged as if fully set forth herein.

66. The 2011 and 2013 Congressional and State House redistricting plans adopted by the Texas Legislature are so rife with an intent to discriminate against minority voters that Plaintiffs and all minority voters in Texas are entitled to equitable relief under Section 3(c) of the Voting Rights Act, 42 U.S.C. § 1973.

BASIS FOR EQUITABLE RELIEF

67. NAACP Plaintiff-Intervenors have no plain, adequate or complete remedy at law to redress the wrongs alleged herein and this suit for declaratory judgment and injunctive relief is their only means of securing adequate redress from all of the Defendants' unlawful practices.

68. NAACP Plaintiff-Intervenors will continue to suffer irreparable injury from all of the Defendants' intentional acts, policies, and practices set forth herein unless enjoined by this Court.

ATTORNEYS' FEES

69. In accordance with 42 U.S.C. Section 1973-l(e) and 1988, NAACP Plaintiffs are entitled to recover reasonable attorney's fees, expenses and costs.

PRAYER

NAACP Plaintiff-Intervenors respectfully pray that this Court enter Judgment granting:

A. A declaratory judgment that State Defendants' actions violate the rights of Plaintiffs as protected by Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 et seq., and the Fourteenth Amendment to the United States Constitution, 42 U.S.C. § 1983; and

B. Preliminary and permanent injunctive relief requiring State Defendants, their successors in office, agents, employees, attorneys, and those persons acting in concert with them and/or at their discretion—to develop redistricting plans that do not dilute African American

and minority voting strength for the Texas House of Representatives and the United States House of Representatives, and enjoining and forbidding the use of the newly-enacted congressional and State House redistricting plans; and

C. An order requiring the State of Texas to submit to this Court for preclearance, under Section 3(c) of the Voting Rights Act, any change to any voting practice or procedure, including but not limited to any new redistricting plan, for a period not less than 10 years; and

D. If need be, adopt an interim electoral plan for the 2014 elections for United States Congress and Texas House of Representatives that remedy these statutory and constitutional flaws; and

E. An order of this Court retaining jurisdiction over this matter until all Defendants have complied with all orders and mandates of this Court; and

F. An order requiring Defendants to pay all costs including reasonable attorneys' fees, and

G. Such other and further relief as the Court may deem just and proper.

Dated: September 18, 2013.

Respectfully Submitted,

/s/ Allison J. Riggs
Allison J. Riggs

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, *et al.*,	)	
	)	CIVIL ACTION NO.
Plaintiffs,	)	SA-11-CA-360-OLG-
	)	JES-XR
v.	)	[Lead case]
	)	
STATE OF TEXAS, *et al.*,	)	
	)	
Defendants.	)	
	)	
	)	
MEXICAN AMERICAN	)	CIVIL ACTION NO.
CAUCUS, TEXAS HOUSE	)	SA-11-CA-361-OLG
OF REPRESENTATIVES	)	JES-XR
(MALC),	)	[Consolidated Case]
	)	
Plaintifs,	)	
v.	)	
	)	
STATE OF TEXAS, *et al.*,	)	
	)	
Defendants.	)	
	)	
	)	
TEXAS LATINO	)	CIVIL ACTION NO.
REDISTRICTING TASK	)	SA-11-CV-490-OLG
FORCE, *et al.*,	)	JES-XR
	)	[Consolidated case]
Plaintiffs,	)	

v.	)	
RICK PERRY, *et al.*,	)	
Defendant.	)	
	)	
MARAGARITA V. QUESADA, *et al.*,	)	CIVIL ACTION NO. SA-11-CA-592-OLG-JES-XR
Plaintiffs,	)	[Consolidated case]
v.	)	
RICK PERRY, *et al.*,	)	
Defendants.	)	
	)	
JOHN T. MORRIS	)	CIVIL ACTION NO. SA-11-CA-615-OLG-JES-XR
Plaintiff,	)	[Consolidated case]
v.	)	
STATE OF TEXAS, *et al.*,	)	
Defendants.	)	
	)	
EDDIE RODRIGUEZ, *et al.*,	)	CIVIL ACTION NO. SA-11-CA-635-OLG-JES-XR
Plaintiffs,	)	

	)	[Consolidated case]
v.	)	
	)	
RICK PERRY, *et al.*,	)	
	)	
Defendants.	)	

SECOND AMENDED COMPLAINT OF PLAINTIFF-INTERVEORS CONGRESSPERSONS EDDIE BERNICE JOHNSON, SHEILA JACKSON LEE AND ALEXANDER GREEN

1. This is an action to enforce Plaintiff-Intervenors' rights under the Fourteenth Amendment to the United States Constitution and under Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 et seq. Plaintiff-Intervenors, members of the United States Congress and individual registered voters, bring this action requesting declaratory and injunctive relief against the State of Texas to prevent the implementation of 2013 redistricting plans for the Texas Congressional districts. The recently adopted 2013 Texas Congressional redistricting plans dilute the voting strength of African-American and Latino voters because, under the totality of circumstances, African-American and Latino voters do not have an equal opportunity to elect candidates of their choice to the United States Congress. If implemented, these plans will dilute the voting strength of Texas' African-American and Latino citizens and deny them fair representation in the United States Congress and deprive minority voters and minority representatives of the ability to forge majority coalitions in Congress on issues of importance with like-minded Anglo voters and representatives. Plaintiff-

Intervenors seek the implementation of a Congressional plan that will not dilute the voting strength of African-American voters in Texas. Plaintiff-Intervenors also seek costs and attorneys' fees.

I. JURISDICTION

2. Plaintiff-Intervenors' complaint arises under the United States Constitution and federal statutes. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), and 1988.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

4. Plaintiff-Intervenors seek declaratory and injunctive relief pursuant to 28 U.S.C. § 2201 and 2202.

II. PARTIES

5. Plaintiff-Intervenors, the AFRICAN-AMERICAN CONGRESSIONAL INTERVENORS, are MEMBERS of the UNITED STATES CONGRESS and VOTERS. Congresswomen Johnson and Jackson-Lee have participated in previous rounds of redistricting, and Congressman Green participated in 2011. They all are participating now because of their legitimate concerns regarding the newly adopted plan.

6. Congresswoman Eddie Bernice Johnson is an African-American who resides in Dallas, Texas and represents CD 30. She has served in Congress since 1993. Congresswoman Johnson was the first African-American female Chairperson of a Congressional subcommittee. She is a former Chair of the Congressional Black Caucus

and currently a member of the House Transportation and Infrastructure Committee; Aviation, Highways and Transit; and Water Resources and Environment Subcommittees. Congressperson Johnson has worked zealously to represent her district, where she ably represents African-American voters and a coalition of African-American, Latino and other voters.

7. Congresswoman Sheila Jackson-Lee is in her 10th term in the United States Congress. She is a member of the Judiciary and Homeland Security Committees and is the founder and co-chair of the Congressional Children's Caucus. She has been a true advocate for immigration during her tenure in Congress and has worked zealously to represent her district, CD 18, where she ably represents African-American voters and a coalition of African-American, Latino and other voters.

8. Congressman Alexander Green is in his fifth term in Congress. He is a member of the Financial Services Committee, the Sub-Committee on Capital Markets and Government Sponsored Enterprises, and the Subcommittee on Domestic Monetary Policy and Technology. He is a former elected Judge and President of the Houston Branch of the NAACP, and he ably and zealously represents African-American voters and a coalition of African-American, Latino and other voters.

9. Defendant is the State of Texas. The State of Texas is a political subdivision covered under the provisions of the Voting Rights Act and responsible for the actions of its officials with regard to state-wide redistricting.

10. Defendant Rick Perry is the duly elected and acting Governor of the State of Texas. Under Article IV, Section 1, of the Texas Constitution, he is the chief executive officer of the Defendant State of Texas. He is sued in his official capacity.

11. Defendant David Dewhurst is duly elected and acting Lieutenant Governor of Texas. Under Article IV, Section 16, of the Texas Constitution he is the President of the Texas Senate. He is sued in his official capacity.

12. Defendant Joe Strauss is the duly elected and acting Speaker of the Texas House of Representatives and is the presiding officer over the Texas House of Representatives. He is sued in his official capacity.

13. Defendant John Steen is the duly appointed and acting Secretary of State of the State of Texas. He is being sued in his official capacity.

III. FACTS

14. The African-American Congressional Intervenors opposed the interim plans prior to their adoption before the 2012 election. They also opposed the newly adopted plan, which largely mirrors the previously opposed interim plan, when it was adopted in special session of the legislature in June 2013.

15. The newly adopted Congressional Plan corrected some of the problems with the 2011 adopted plan, but numerous concerns were not addressed. The State of Texas has acknowledged that the newly adopted plan corrected alleged problems with the 2011 adopted plan.

16. Section 2 of the Voting Rights Act of 1965, 42 U.S.C. 1973, applies nationwide and prohibits voting practices and procedures that result in the denial or abridgment of the right of any citizen to vote on account of race, color, or membership in a language minority group. Section 2 is a permanent provision of the federal Voting Rights Act.

17. The total Texas population is approximately 12% African-American, according to the 2010 federal census. African-Americans comprise at least this percentage of the state's Citizen Voting Age population.

18. After the last decennial census, Texas' congressional delegation was increased from 32 to 36. Currently there are at most 12 districts out of 36 that might be considered minority-ability-to-elect or influence districts. There were 11 out of the previous 32. This indicates a slight decrease in electoral strength under this map. The recent opinion of the D.C. three-judge panel in the case under Section 5 indicated that rough proportionality would indicate that there should be at least 14 ability-to-elect seats while acknowledging that exact proportionality is not required. Because of the treatment of these African-American Congressional Intervenors in the C185 plan adopted in 2011 and the irregularity of the Legislative process that led to the plan's adoption (among other matters) the D.C. panel decided that that plan was adopted as a result of intentional discrimination. Approximately 89% of the population growth in Texas this past decade—growth that resulted in our State's right to 4 additional Congressional representatives—is a result of minority population

growth. Both Latino and African-American growth eclipsed Anglo growth in both percentage and raw numbers—Latino growth represented 65% of the state's population growth, the African-American population grew 22% (14% of the total growth of the State approximately), and the Anglo population grew just 4.2%. Texas is now a majority-minority state—only 45% of the state's total population is Anglo. Under the current configuration, Anglos dominate the outcome in at least two-thirds of the seats under the recently adopted plan.

19. The vast majority of Anglo voters have been placed in Congressional districts where Anglo voters can determine the outcome, but the opposite is true for African-American and Latino voters.

20. Many districts have been drawn with shapes that have the consequence of dividing minority communities and causing minority voters to be placed in districts primarily populated by voters who generally oppose candidates preferred by the majority of African-American or Latino voters in those districts, especially in the Dallas-Fort Worth Metroplex.

21. African-Americans and Latinos combined comprise approximately 39.3 percent of the Texas Citizen Voting Age population and 49.4 percent of the total adult voting age population. These groups are underrepresented in Texas' Congressional Delegation.

22. Several plans were submitted to the Legislature that would create naturally occurring seats in the Dallas-Fort Worth area that would enhance the ability of

African-Americans and Latinos to achieve fair representation while also respecting the integrity of CD 30 as recognized by the three-judge panel in the Section 5 litigation. However, the interim plan was adopted even though it was primarily opposed by minority legislators and minority organizations. The Tarrant and Dallas County configuration in the plan includes 2 African-American ability-to-elect seats but continues an egregious pattern of racial gerrymandering. The African-American and Hispanic populations in the Metroplex increased by over 600,000 persons between 2000 and 2010, while the Anglo population decreased by 156,732 during the same period. CD 30 in the newly adopted plan packs District 30 with what is believed to be the largest percentage of African-American and Hispanic constituents during Congresswoman Johnson's tenure in Congress (85.2%). Congressional Districts 5, 32 and 6 were drawn in order to crack minority voters in the North Texas area. The result of the cracking and packing and the bias afforded Anglo voters in the drafting process has resulted in underrepresentation in the Dallas-Fort Worth area. There are more than 2 million African-American and Latino residents in the Dallas-Fort Worth Metroplex, easily enough to support 3 minority ability-to-elect seats.

23. Anglo voters in Texas and in the Metroplex have more voting power than African-Americans and Latinos in Texas or the Metroplex.

24. As drawn in the newly enacted congressional plan passed by the Texas Legislature, congressional districts in Dallas, Tarrant, Travis, Bexar, Hays and Comal

Counties all dilute the voting strength of African-American voters.

25. CD 30 was drawn in a manner to specifically prevent minorities from obtaining a third ability-to-elect seat. It is easy to configure naturally occurring Congressional Districts that unite instead of divide communities of interest to create such a seat while strengthening CD 30 and CD 33. The three-judge panel in the Section 5 case discussed how the African-American Congressional districts were treated differently. The problem identified in that court opinion continues for CD 30 where many communities of interest, economic engines and development areas were unnecessarily placed in District 32. For example, the Oak Lawn, Turtle Creek, Uptown, Cityplace, Know-Henderson, Lower Greenville and Junius Heights areas were previously in CD 30, which was of near perfect size in C 100 in 2011. In the congressional plan passed by the Texas Legislature in 2011, Congressional Districts 9, 18 and 30 were drawn in a way that undermined the ability of African-Americans to effectively participate in the political process in those areas. The state's proposed plan has similar impact on Latinos in those districts who have acted in coalition with African-Americans to further the interests of both communities. As evidenced by CD 30's configuration, the newly adopted plan splits communities of interest, deletes important areas from existing Congressional districts, and is designed to undermine or frustrate effective and long term coalitions in the area.

26. The newly adopted 2013 Legislative Plan (the Interim Plan previously) corrected many of the problems

raised regarding Congressional District 9 and Congressional District 18. However, it fell far short of correcting the problems in CD 30. This district was drawn in a manner that undermines the ability to provide proper representation in the Metroplex to African-American or Latino voters.

27. When using traditional redistricting principles in drafting a new Congressional Plan minority voters should have the same rights as white voters to naturally occurring districts. The treatment of minority voters in this regard in the Dallas-Fort Worth Metroplex, Travis County, Bexar County, South Texas, Nueces County and other locations shows that the State uses a different standard for its treatment of minority voters and residents compared to white voters and residents in the redistricting process.

28. The method of drafting indicates a possible intent to either prefer white voters over minority voters or to divide political parties according to race or ethnicity.

29. Elections in Texas continue to be racially polarized.

30. African-Americans in Texas generally vote as a group and are politically cohesive.

31. Latinos in Texas vote as a group and are politically cohesive.

32. Latinos and African-Americans in Texas vote as a group and are politically cohesive. Latinos and African-Americans in Congressional District 30, Congressional

District 9 and Congressional District 18 vote as a group and are politically cohesive in ensuring the continued character of the districts. Latinos and African-Americans in Tarrant County vote as a group and are politically cohesive. Latinos and African-Americans in Travis, Hays and Bastrop counties vote as a group and are politically cohesive. Latinos and African-Americans in Nueces County and Bexar County vote as a group and are politically cohesive.

33. Anglos in Texas generally vote as a group, are politically cohesive and vote sufficiently as a block to defeat the preferred candidate of Latino and African-American voters absent fair and equitable majority-minority single-member districts. This has been documented by federal and state courts, the US Commission on Civil Rights and the United States Congress.

34. The Legislature adopted the interim plans despite overwhehning opposition to them. It is clear that the democratic process was of no concern, and the legislative process was viewed as a necessary exercise to adopt already agreed-to plans.

35. During the 2013 legislative process, the Texas Legislature had before it plans for the Congressional districts that did not dilute the voting strength of African-American, Latino and minority voters, and the legislature rejected those plans for plans that did not afford minority voters an equal opportunity to elect candidates of their choice.

36. During the 2011 legislative process, the Texas Legislature had before it plans for the Congressional districts that did not dilute the voting strength of African-American and Latino voters, and the legislature rejected those plans for plans that did not afford minority voters an equal opportunity to elect candidates of their choice.

37. Numerous plaintiff groups filed suit in the summer of 2011, challenging the 2011 enacted Congressional, State House, and State Senate plans as violating the Equal Protection Clause of the 14th Amendment and Section 2 of the Voting Rights Act.

38. Because Texas was, during 2011, a covered jurisdiction under Section 5 of the Voting Rights Act of 1965, it was required to obtain federal preclearance before implementing its enacted redistricting plans. Because the state failed to do so in a timely fashion, this three-judge panel in the United States District Court for the Western District of Texas was forced to craft an interim plan to govern the 2012 elections.

39. This Court ordered into effect Congressional Plan C235 and State House Plan H309 on February 28, 2012, based on "preliminary determinations regarding the merits of the Section 2 and constitutional claims presented in this case." (Doc. No. 681). The Court noted, however, that its "preliminary conclusions" "may be revised upon full analysis." (Doc. No. 681).

40. Moreover, following the United States Supreme Court ruling in *Perry v. Perez*, this Court was instructed to pay significant deference to the state's 2011 enacted

plans—plans that were deeply infected by an intent to discriminate against and dilute the voting strength of the state's exploding minority population.

41. Months after this Court issued its order on the interim plans to govern the 2012 elections, a three-judge panel in the United States District Court for the District of Columbia ruled in the Section 5 case before it, where the State of Texas sought preclearance for its 2011 enacted redistricting plans.

42. The D.C. Court made substantial findings regarding the intentional discrimination that infected the process by which the state drew its 2011 redistricting plans, and the discriminatory effect that resulted in the Congressional and State House plans.

43. With regards to the Congressional plan, the D.C. Court noted that the Department of Justice and Intervenors (many of whom are Plaintiffs in the instant action) presented more evidence of intentional discrimination than the court had room to discuss. Specifically, the Court found that the way in which the State had carved apart the Congressional districts being represented by African-American members of Congress could be explained only by an intent to discriminate against minority voters in the districts.

44. The D.C. Court also cited the failure to draw a new Latino opportunity district in the Dallas-Fort Worth area as evidence of the Texas Legislature's deep-seated intent to dilute the voting strength of Latino voters.

45. That Court also found the destruction of an effective minority crossover district, CD 25, to be motivated by an intent to discriminate against the minority voters in the district.

46. The D.C. Court found that the State House plan would have a demonstrably negative effect on the ability of minority voters to elect the candidates of their choice, so it did not formally address allegations of intentional discrimination in the State House plan. It did, however, note that ample evidence existed and was presented to the court that would support a conclusion that discriminatory intent likewise drove the drawing and enactment of the State House plan.

47. The election results in 2012, in elections under this Court's ordered interim plans, demonstrate that not every statutory and constitutional flaw identified in the 2011 redistricting plans was corrected.

48. While the interim plan did make improvements, including the construction of Congressional District 33 in the Dallas-Fort Worth area, voters in that area still have not had their situation fully remedied.

49. As urged by the NAACP from the inception of this litigation, the minority population growth in the Dallas-Fort Worth Metroplex was more than sufficient to support an additional, reasonably compact district in which African-American voters would have an opportunity to elect the candidate of their choice. In the 2012 elections, African-American voters in the region were able to elect their candidate of choice in two

districts—CD 30 and new CD 33. Congressman Marc Veasey, elected from CD 33 in 2012, received the overwhelming support of black and Latino voters in the November election.

50. There is sufficient Latino population in the Dallas-Fort Worth Metroplex to construct a reasonably compact district in which Latino voters have an opportunity to elect their candidate of choice. This district can be drawn while still maintaining the ability of black voters to elect their candidates of choice in CD 30 and CD 33. The egregious racial gerrymander in the area and the new configuration of CD 30 are obstacles to drawing such a district.

51. The court-ordered interim plan also did not correct all of the damage done to CD 30 by the Texas legislature in 2011.

52. The court-ordered interim plan did not reunite the intentionally-cracked African-American and Latino voters in historic East Austin—voters in former CD 25.

53. The interim plan ordered into place for elections to the Texas House of Representatives, like the Congressional interim plan, made some important corrections to statutory and constitutional violations in the 2011 enacted plans, but does not fully remedy those flaws.

54. On May 27, 2013, Governor Perry announced a special session in which the legislature would consider adopting and enacting the Court's interim plans.

55. During the special session, advocacy groups and elected officials representing minority communities pointed out the statutory and constitutional flaws still present in the Court's interim plan, and urged that these flaws needed to be corrected.

56. On June 1 and 3, the legislature enacted the C235, the interim congressional plan, without change. The interim plan was based on the C185 plan that was seriously infected with discrimination and did not correct various flaws under the United States Constitution or the Voting Rights Act

57. The failure to create a new Latino opportunity district in the Dallas-Fort Worth region is a remnant of the state's intent to discriminate against and dilute the voting strength of Latino voters that persists in the 2013 enacted congressional plan.

58. The failure to draw a naturally occurring district in the Dallas-Fort Worth region that provides the same Constitutional protections as provided to white voters in the area is a remnant of the state's intent to discriminate against and dilute the voting strength of Latino voters in the 2013 enacted Congressional plan.

59. The failure to remedy the intentional cracking of a cohesive community of color in the congressional plan in the Austin area and the carving up of the county (Travis) into six separate Congressional districts are remnants of the state's intent to discriminate against voters of color that persists in the 2013 enacted Congressional plan.

60. The failure to remedy the intentional carving apart of CD 30, including removal of economic engines and historically active communities important to voters in the district, is a remnant of the state's intent to discriminate against voters of color that persists in the 2013 enacted Congressional plan.

61. The State passed a voter identification law in 2011 that was held to discriminate against minority voters in violation of Section 5 of the Voting Rights Act. The decision was made by a bi-partisan three-judge panel sitting in Washington, D.C. However, the case was reversed because of the U.S. Supreme Court's Shelby County decision that made Section 5 no longer viable. However, there was still a Section 5 analysis by a bi-partisan group. The State completely disregarded the decision of the bi-partisan group of judges and implemented the plan, which the panel had declared unnecessarily restrictive. This action again evidences a discriminatory intent towards minority voters or at least a conscious disregard for their rights.

IV. CAUSES OF ACTION

Count I

62. The allegations contained in paragraphs 1-61 are alleged as if fully set forth herein.

63. The newly-enacted Congressional redistricting plan violates Section 2 of the Voting Rights Act, as amended, 42 U.S. § 1973. These plans result in a denial or abridgment of the right to vote of individual plaintiffs and organizational plaintiffs' members on account of their

race, color, or ethnicity, by having the effect of canceling out or minimizing their individual voting strength as minorities in Texas. The redistricting plans passed by the Texas Legislature on June 1 and 3, 2013, do not afford individual plaintiffs an equal opportunity to participate in the political process and to elect representatives of their choice, and they deny individual plaintiffs the right to vote in elections without discrimination of race, color, or previous condition of servitude in violation of 42 U.S.C. § 1973. Each of the individual plaintiffs is denied the opportunity to work with many other Congresspersons who may have constituents of like interests. Congresswoman Johnson is required to represent and vote in a district that was designed to discriminate against minority voters as a result of the unnecessary changes to CD 30 from Cl00 in 2011.

Count II

64. The allegations contained in paragraphs 1-61 are alleged as if fully set forth herein.

65. The congressional redistricting plan adopted by the Texas Legislature was developed in such a way and with the intent of disadvantaging African-American and other minority voters. This intentional discrimination violates the 14th Amendment to the United States Constitution and 42 U.S.C. § 1983.

Count III

66. The allegations contained in paragraphs 1-61 are alleged as if fully set forth herein.

67. The interim plan C235 violates the equal protection clause of the 14th Amendment to the United States Constitution because the State of Texas has adopted a plan that intentionally allows Anglo voters to dominate certain districts, but rejects the creation of districts in which African-American or Latino voters would dominate unless those districts cross a numerical population threshold of 50%. In some instances, for example, the State of Texas has regarded a minority district as protected under the Voting Rights Act even if none of the racial or language minority groups within it does not cross the 50% threshold, while at the same time rejecting the creation of additional African-American or Latino districts because they do not exceed the 50% population threshold. This differential treatment of voters violates the Equal Protection Clause of the Fourteenth Amendment. Further the shapes and configurations of such districts and the design of a map as a whole indicate such a violation.

Count IV

68. The allegations contained in paragraphs 1-61 are alleged as if fully set forth herein.

69. The Congressional redistricting plan adopted by the Texas Legislature is so rife with an intent to discriminate against minority voters that Plaintiffs and all minority voters in Texas are entitled to equitable relief under Section 3(c) of the Voting Rights Act, 42 U.S.C. § 1973.

Count V

70. The allegations contained in paragraphs 1-61 are alleged as if fully set forth herein.

71. The Congressional redistricting plan adopted by the Texas Legislature penalized minority voters and is drawn in such a way as to intentionally discriminate and disadvantage them and make them voters of an inferior status. This intentional discrimination is in violation of the 14th and 15th Amendments of the United States Constitution and 42 U.S.C. § 1983.

V. BASIS FOR EQUITABLE RELIEF

72. Plaintiff-Intervenors have no plain, adequate, or complete remedy at law to redress the wrongs alleged herein, and this suit for declaratory judgment and injunctive relief is their only means of securing adequate redress from all of the Defendants' unlawful practices.

73. Plaintiff-Intervenors will continue to suffer irreparable injury from all of the Defendants' intentional acts, policies, and practices set forth herein unless enjoined by this Court.

VI. ATTORNEYS' FEES

74. In accordance with 42 U.S.C. § 1973-l(e) and 1988, Plaintiffs are entitled to recover reasonable attorneys' fees, expenses, and costs.

VII. PRAYER

75. Plaintiff-Intervenors respectfully pray that this Court enter Judgment granting:

A. A declaratory judgment that State Defendants' actions violate the rights of Plaintiffs as protected by Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 et seq., the Fourteenth Amendment to the United States Constitution, and the Fifteenth Amendment to the United States Constitution and 42 U.S.C. § 1983; and

B. Preliminary and permanent injunctive relief requiring State Defendants, their successors in office, agents, employees, attorneys, and those persons acting in concert with them and/or at their discretion – to develop redistricting plans that do not dilute African American and minority voting strength for the United States House of Representatives, and enjoining and forbidding the use of the newly-enacted congressional redistricting plan; and

C. An order requiring the State of Texas to submit to this Court for preclearance, under Section 3(c) of the Voting Rights Act, any change to any voting practice or procedure, including but not limited to any new redistricting plan, for a period not less than 10 years; and

D. If need be, adopt an interim electoral plan for the 2014 or other elections for United States Congress that remedies these statutory and constitutional flaws; and

E. An order of this Court retaining jurisdiction over this matter until all Defendants have complied with all orders and mandates of this Court; and

F. An order requiring Defendants to pay all costs including reasonable attorneys' fees, and

G. Such other and further relief as the Court may deem just and proper.

Dated: September 18, 2013.

Respectfully submitted,

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Congressional Intervenors

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, ET AL.,	§	
Plaintiffs	§	
	§	
VS.	§	**Civil Action**
	§	**No. 11-CV-**
STATE OF TEXAS, ET AL.,	§	**360-OLG-JES-**
Defendants.	§	**XR**
	§	**[Lead Case]**
	§	
	§	
MEXICAN AMERICAN	§	
LEGISLATIVE CAUCUS,	§	
(MALC)	§	
Plaintiff,	§	
	§	
VS.	§	**Civil Action**
	§	**No. 11-CV-361**
STATE OF TEXAS, ET AL.,	§	**OLG-JES-XR**
Defendants.	§	**[Consolidated**
	§	**Case]**
	§	
TEXAS LATINO	§	
REDISTRICTING	§	
TASK FORCE, ET AL.,	§	
Plaintiffs,	§	
	§	
VS.	§	**Civil Action**
	§	**No. 11-CV-**

RICKPERRY,	§	**490-OLG-JES-**
Defendant.	§	**XR**
	§	**[Consolidated**
	§	**Case]**
_____	§	
	§	
MARGARITA V. QUESADA, ET AL.,	§	
Plaintiffs,	§	
	§	
VS.	§	**Civil Action**
	§	**No. 11-CV-**
RICK PERRY, ET AL.,	§	**592-OLG-JES-**
Defendants.	§	**XR**
	§	**[Consolidated**
_____	§	**Case]**
	§	
JOHN T. MORRIS,	§	
Plaintiff,	§	
	§	**Civil Action**
VS.	§	**No. 11-CV-**
	§	**615-OLG-JES-**
STATE OF TEXAS, ET AL.,	§	**XR**
Defendants.	§	**[Consolidated**
	§	**Case]**
_____	§	
EDDIE RODRIQUEZ, ET. AL.,	§	
Plaintiffs,	§	
	§	**Civil Action**
VS.	§	**No. 11-CV-**
	§	**635-OLG-JES-**
RICK PERRY, ET. AL.	§	**XR**
Defendants.	§	**[Consolidated**

	§	Case]
	§	
WENDY DAVIS, ET AL.,	§	
Plaintiffs	§	
	§	**Civil Action**
VS.	§	**No. 11-CV-**
	§	**788-OLG-JES-**
RICK PERRY, ET AL.,	§	**XR**
Defendants.	§	**[Consolidated**
	§	**Case]**

TEXAS DEMOCRATIC PARTY AND GILBERTO HINOJOSA'S FIRST AMENDED CROSS-CLAIM

Texas Democratic Party and Gilberto Hinojosa (hereinafter "TDP") make this Cross-Claim as follows:

I.

Introduction

1. The State's 2011 plans to redistrict the Texas House of Representatives and the Texas Delegation to the United States House of Representatives are blatant partisan gerrymanders that are designed to ensure that Republicans continue to control the Texas Congressional Delegation and the Texas House of Representatives to a much farther degree than the voting population would support. Because the maps adopted in 2013 keep intact much of the 2011 maps, those plans are equal partisan gerrymanders. The fact these maps were designed with strict partisan purposes is not in dispute and has been conceded by almost every, if not every, officer involved in the drawing of the plans. The 2013 plans include a number

of congressional and house districts that far exceed Republican's share of the State's electorate. The evidence demonstrates that the Defendants improperly used race in drawing its maps and for the reasons stated by other Plaintiffs, these maps violate federal anti-discrimination laws. That said, to the degree the Court determines that voters who align with the Democratic Party were targeted, in addition to or instead of racial targeting, the plans remain unlawful under now existing federal law. The State, in redistricting or otherwise, cannot lawfully target voters simply because those voters support a particular Party or ideology.

II.
Jurisdiction and Venue

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, 1357, and 2284; and pursuant to 42 U.S.C. §§ 1983 and 1973j(f). Plaintiffs' action for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201, 2202, and 2284, as well as by Rules 57 and 65 of the Federal Rules of Civil Procedure. Venue is proper pursuant to 28 U.S.C. § 1391(b).

III.
Parties

3. Cross-Claimant, the Texas Democratic Party, is one of the two major political parties in Texas and is formed under provisions of the Texas Election Code. It may be served through its counsel herein. It brings suit on behalf of itself and its thousands of members statewide.

4. Cross-Claimant, Gilberto Hinojosa, is the duly elected Chairman of the Texas Democratic Party and the State Democratic Executive Committee, as recognized

under Texas election laws. Cross-Claimant Hinojosa is a registered and participating voter in Cameron County, Texas and may be served through counsel herein.

5. Cross-Defendant, RICK PERRY, is the Governor of the State of Texas and Chief Executive Officer of the State of Texas. Cross-Defendant PERRY is sued in his official capacity.

6. Cross-Defendant, JOHN STEEN, is Texas Secretary of State. Cross-Defendant STEEN is sued in his official capacity. Cross-Defendant STEEN is responsible for administering and supervising the elections of United States Representatives from the State of Texas. Cross-Defendant STEEN is responsible for administering and supervising the elections of the Texas House of Representatives.

IV.
Facts

7. In 2011, the Texas Legislature adopted redistricting plans for the Texas House of Representatives and for the United States House of Representatives.

8. Pursuant to §5 of the Voting Rights Act, the State of Texas submitted these plans to the United States Department of Justice and the United States District Court for the District of Columbia (DC Court) for preclearance.

9. After trial, the DC Court denied preclearance and objected to the plans for multiple reasons.

10. Before the DC Court could rule on preclerance, this Court enjoined these plans relying at least in part of the mandatory injunction provisions under Section 5.

11. In order for elections to timely occur, this Court drew its own plans, a Supreme Court appeal ensued, and then this Court drew additional new plans.

12. The Court drawn plans were used in the 2012 election and then were recently adopted, with some modification by the Texas Legislature resulting in what is termed here as the 2013 plans.

13. Due to the requirements of the ruling by the Supreme Court in the appeal of this case, the new plans that went into effect by order of this Court, and then adopted by the Legislature, included the vast majority of the characteristics of the original plans adopted by the Legislature in 2011.

14. TDP had originally sued in this Court objecting to the 2011 plans under Section 5 and also claiming the plans were unconstitutional gerrymanders. *See* Dkt. # 55.

15. This Court dismissed the political gerrymander claims (Dkt. # 285) and TDP filed a Motion to Reconsider (Dkt. # 384) in order to alleviate the need for an immediate Supreme Court appeal. The Court has now ruled the 2011 partisan gerrymander claims are dismissed but has granted TDP leave to file a political gerrymander claim against the 2013 plans (Dkt. # 886).

16. As the Court is aware from earlier briefing, five justices on the Supreme Court have supported the theory of a political gerrymander claim only to avoid granting

such relief under such claims due to the concern that an unworkable standard for such claims does not exist.

17. Here, TDP claims a standard is unnecessary given the factual admission by the State officers that their plan was drawn with unreserved political motivation. Furthermore, given that the trial evidence demonstrates population deviation was utilized in the State House map as the principal method to obtain the sought political ends, TDP urges this case presents a meaningful standard (*e.g.*, *Cox v. Larios*, 124 S.Ct. 2806 (2004)) to allow a political gerrymander claim.

18. TDP intends to show that evidence proves the 2013 plans adopted are, in addition to being racially discriminatory, are illegal political gerrymanders, and therefore should not, in accordance with the law, take effect.

19. Allowing the plans to take effect would significantly harm the First Amendment speech and associational rights of Cross-Claimants.

20. The plans, as adopted, fail to provide fair and reasonable districts in proportion to the members of Cross-Claimants' political association.

V.

Claims

Count
1
Equal Protection

24. Plaintiffs re-allege the facts set forth in the paragraphs above.

25. The partisan classifications in the 2013 Plans were applied in an invidious manner and in a way unrelated to any legitimate legislative objective. The 2013 Plans are intentional partisan gerrymanders that thwart majority rule and are an affront to basic democratic values in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; Article I, Sections 2 and 4, of the United States Constitution and the First Amendment to the United States Constitution. The Legislature's actions in adopting the plans in 2013 were themselves illegal partisan decisions. Indeed, the evidence demonstrates that the plans were crafted to give particular and distinct benefit to one classification of voters over another.

Count

2

First Amendment

26. Plaintiffs re-allege the facts set forth in the paragraphs above.

27 The 2013 Plans are invidious to the First Amendment Speech and Associational Rights of Plaintiffs. TDP, its Chairman, and the citizens members of the TDP may not be lawfully targeted by the government simply because of their partisan and political beliefs. TDP, its Chairman, and the citizens members of the TDP may not constitutionally suffer from the dilution of their vote due to a violation of the First Amendment. TDP, its Chairman, and the citizens members of the TDP suffer unique harm when the state adopts redistricting plans for the purpose of preventing the effective vote of a

class of persons, in this case people who align with and are members of the Democratic Party.

VI.
Prayer for Relief

WHEREFORE, Cross-Claimants respectfully pray that this Court:

1. Issue a declaratory judgment, pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rules of Civil Procedure Rule 57, declaring that the 2013 Plans for redistricting of the Texas House of Representatives and the Texas Delegation to the United States House of Representatives are unconstitutional political gerrymanders in violation of the First and Fourteenth Amendments to the United States Constitution and Article I of the United States Constitution; and cannot be administered.

2. Issue preliminary and permanent injunctions enjoining the Cross-Defendants, their agents, employees, and those persons acting in concert with them, from enforcing or giving any effect to the proposed district boundaries, including enjoining Cross-Defendants from conducting any elections based on the 2013 Plans.

3. Make all further orders as are just, necessary, and proper to ensure complete fulfillment of this Court's declaratory and injunctive orders in this case.

4. Issue an order requiring Defendants to pay Plaintiffs' costs, expenses, and reasonable attorneys' fees incurred in the prosecution of this action, as

authorized by the Civil Rights Attorneys' Fees Awards Act of 1976, 42 U.S.C. § 1988.

Grant such other and further relief as it seems is proper and just.

Dated this 18th day of September, 2013.

Respectfully submitted,

By: */s/ Chad W. Dunn*

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ATTORNEY FOR TEXAS DEMOCRATIC PARTY AND GILBERTO HINOJOSA, IN HIS CAPACITY AS CHAIR OF THE TEXAS DEMOCRATIC PARTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, *et al.*, Plaintiffs, and UNITED STATES of AMERICA, Plaintiff-Intervenor, v. STATE OF TEXAS, *et al.*, Defendants.	Civil Action No. 5:11-cv-360 (OLG-JES-XR) Three-Judge Court [Lead Case]
MEXICAN AMERICAN LEGISLATIVE CAUCUS, TEXAS HOUSE OF REPRESENTATIVES (MALC), Plaintiff, v. STATE OF TEXAS, et al., Defendants.	Civil Action No. 5:11-cv-361 (OLG-JES-XR) Three-Judge Court [Consolidated Case]

TEXAS LATINO REDISTRICTING TASK FORCE, *et al.*, Plaintiffs, v. RICK PERRY, Defendant.	Civil Action No. 5:11-cv-490 (OLG-JES-XR) Three-Judge Court [Consolidated Case]
MARGARITA V. QUESADA, *et al.*, Plaintiffs, v. RICK PERRY, *et al.*, Defendants.	Civil Action No. 5:11-cv-592 (OLG-JES-XR) Three-Judge Court [Consolidated Case]
JOHN T. MORRIS, Plaintiff, v. STATE OF TEXAS, *et al.*, Defendants.	Civil Action No. 5:11-cv-615 (OLG-JES-XR) Three-Judge Court [Consolidated Case]

EDDIE RODRIGUEZ, *et al.*, Plaintiffs, v. RICK PERRY, *et al.*, Defendants.	Civil Action No. 5:11-cv-635 (OLG-JES-XR) Three-Judge Court [Consolidated Case]

COMPLAINT IN INTERVENTION

The United States of America, plaintiff-intervenor herein, alleges:

1. The Attorney General files this complaint under Sections 2 and 12(d) of the Voting Rights Act, 42 U.S.C. §§ 1973 and 1973j(d), to enforce the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution.

JURISDICTION AND VENUE

2. This Court has original jurisdiction of this action under 42 U.S.C. § 1973j(f) and 28 U.S.C. §§ 1331, 1345, and 2201(a).

3. A three-judge district court is required under 28 U.S.C. § 2284(a).

4. Venue is proper in this Court under 28 U.S.C. § 1391(b).

PARTIES

5. The Attorney General is authorized to file this action in the name of the United States. 42 U.S.C. § 1973j(d).

6. The State of Texas is a state of the United States and is obligated to comply with Section 2 of the Voting Rights Act. From 1975 until the Supreme Court's decision in *Shelby County v. Holder*, 133 S. Ct. 2612 (2013), Texas was subject to the preclearance requirements of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, through the coverage formula in Section 4(b) of the Voting Rights Act, 42 U.S.C. § 1973b.

7. John Steen is the Secretary of State and chief election officer of the State of Texas. He is sued in his official capacity.

ALLEGATIONS

Background

8. Between 2000 and 2010, the total population of Texas increased by 4,293,741 persons, and 89.2 percent of that growth was attributable to the State's minority population. Specifically, the State's Hispanic population growth comprised 65 percent of the increase, the African American population growth comprised 13.4 percent of the increase, and Asian population growth comprised 10.1 percent of the increase.

9. Following the release of 2010 Census data, the Texas legislature was required to draw new boundaries for its Congressional and state legislative districts to account for

the State's population growth and the apportionment of four additional seats to its Congressional delegation.

10. The Texas legislature passed a new redistricting plan for the State House of Representatives on May 23, 2011, and Governor Rick Perry signed it into law on June 17, 2011. That plan is known as H283.

11. Plan H283 became effective under Texas law on August 29, 2011, but it was unenforceable because the State had not obtained preclearance under Section 5 of the Voting Rights Act.

12. The Texas legislature passed a new Congressional redistricting plan on June 24, 2011, and Governor Rick Perry signed it into law on July 18, 2011. That plan is known as C185.

13. Plan C185 became effective under Texas law on September 28, 2011, but it was unenforceable because the State had not obtained preclearance under Section 5 of the Voting Rights Act.

Background on Redistricting Litigation

14. Texas sought preclearance under Section 5 of the Voting Rights Act for the 2011 Congressional and House plans by filing a declaratory judgment action in the United States District Court for the District of Columbia. *See Texas v. United States*, No. 1:11-cv-1303 (D.D.C. filed July 19, 2011).

15. On September 29, 2011, this Court enjoined implementation of the 2011 Congressional and House

redistricting plans on the ground that Texas had not yet obtained preclearance for either plan under Section 5 of the Voting Rights Act. *See Perez v. Perry*, No. 5:11-cv-360 (W.D. Tex. Sept. 29, 2011) (ECF No. 380).

16. On August 28, 2012, following a two-week bench trial, a three-judge court of the U.S. District Court for the District of Columbia denied preclearance of the 2011 Congressional and House plans under Section 5. The court concluded that the State had failed to meet its burden under Section 5 to prove that it had not acted with discriminatory intent in adopting the Congressional plan, C185. *See Texas v. United States*, 887 F. Supp. 2d 133, 138, 159-65 (D.D.C. 2012) (three-judge court), *vacated*, 133 S. Ct. 2885 (2013). Indeed, the D.C. Court observed that "[t]he parties have provided more evidence of discriminatory intent [about the Congressional plan] than we have space, or need, to address here." *Id.* at 161 n.32. The court further concluded that the State had failed to meet its burden under Section 5 to establish the absence of discriminatory effect in the State House plan, H283. *See id.* at 138, 166-77. Because the D.C. Court determined that the State had failed to establish that its 2011 House plan would not have a discriminatory effect, it did not analyze whether Texas had established that the plan did not intentionally discriminate against minority voters. Nevertheless, the court noted that the United States and Defendant-Intervenors had presented "record evidence that cause[d] concern" that the House plan may have been adopted with discriminatory purpose. *Id.* at 177-78.

17. After entry of judgment, Texas appealed the denial of preclearance to the U.S. Supreme Court. *See* Notice of

Appeal, *Texas v. United States*, No. 1:11-cv-1303 (D.D.C. Aug. 31, 2012) (ECF No. 234).

18. On June 27, 2013, the Supreme Court entered an order vacating the judgment of the D.C. Court in *Texas v. United States* and remanding the case for further consideration in light of *Shelby County* and "the suggestion of mootness" made in a filing concerning the 2011 plans. *Texas v. United States*, 133 S. Ct. 2885 (2013).

The 2011 Congressional Plan

19. A combination of direct evidence, discriminatory impact, and other circumstantial evidence—including the sequence of events preceding redistricting, procedural and substantive deviations from redistricting principles, and the historical background of previous discrimination in redistricting—establishes that Texas enacted the 2011 Congressional plan with the intent to discriminate against minority voters.

Direct Evidence of Discriminatory Intent

20. Individuals who played key roles in the 2011 redistricting process devised a method—which they discussed by email—to make it more difficult for Hispanics to elect their candidates of choice in certain districts while preserving the appearance of Hispanic population majorities.

21. The plan entailed redrawing districts to increase their Hispanic Citizen Voting Age Population (CVAP) while simultaneously decreasing Hispanic voter turnout in those districts by removing precincts with high-turnout Hispanic voters. These plans are revealed in e-mail

exchanges between legislative staff and are evident in the redrawing of districts for the 2011 Congressional plan.

Race-Based Splitting of Precincts

22. The 2011 Congressional plan purposefully split precincts on the basis of race and ethnicity to dilute minority voting strength.

23. The Texas Senate and House Redistricting Committees had a policy to minimize the splitting of voting tabulation districts (VTDs), which are equivalent to precincts.

24. Although political data—*i.e.*, election returns, voter registration, and turnout—are compiled at the precinct level in Texas, that information is not available for smaller geographic areas such as census blocks. Data about the race of the inhabitants is, however, available below the precinct level.

25. The 2011 Congressional plan split 518 precincts, significantly more than is necessary to minimize the population deviation among the Congressional districts.

26. The precinct splits in the 2011 Congressional plan primarily were concentrated in minority communities.

27. The 2011 Congressional plan purposefully fragmented minority communities and placed them in separate districts to prevent minority voters from having an opportunity to elect representatives of their choice. The fragmentation cannot be explained by traditional raceneutral redistricting principles. For example, District

26 included a lightning-bolt shaped extension into Tarrant County to append only the Hispanic community there to primarily Anglo Denton County.

Discriminatory Impact

28. The 2011 Congressional plan would have a discriminatory impact on minorities, and this impact provides additional evidence that the plan was adopted with a discriminatory purpose.

29. Despite dramatic minority population growth in the last decade, the 2011 Congressional plan for Texas did not create any additional Congressional districts in which minority voters would have the opportunity to elect candidates of choice.

30. The configurations of the districts in the 2011 Congressional plan for Texas provide additional evidence of purposeful discrimination. For example, District 6 extended a finger-like appendage into majority-minority areas of Dallas and Tarrant counties and appends those communities to primarily Anglo Ellis and Navarro counties and another portion of Tarrant County. This has the effect of submerging these majority-minority areas into a majority-Anglo district.

31. The 2011 Congressional plan for Texas purposefully packed minorities into certain districts to dilute overall minority voting strength. For example, to prevent the emergence of a new district in the Dallas-Fort Worth Metroplex in which minority voters would have the opportunity to elect representatives of their choice, the 2011 plan increased the combined African-American and Hispanic population of District 30 from 81.3% to 85.2%.

32. The 2011 Congressional plan for Texas made substantial changes to three Congressional districts in which African-American voters have the ability to elect their preferred candidates, even though 2010 Census data showed that those districts were already close to the correct size.

33. The 2011 Congressional plan for Texas removed key economic engines and cultural facilities—such as medical and convention centers, sports arenas, and universities—from several majority-minority Congressional districts but not from majority-Anglo districts.

34. The 2011 Congressional plan for Texas removed already-established Congressional district offices from several majority-minority Congressional districts but not from majority-Anglo districts.

35. The 2011 Congressional plan for Texas drew the home of one African American member of Congress out of her district but did not draw the homes of any Anglo members out of their districts.

Procedural Departures from Texas's Usual Redistricting Practices

36. The redistricting process leading to the enactment of the 2011 Congressional plan for Texas departed from normal procedures followed by the Texas legislature in previous redistricting cycles.

37. Unlike past redistricting cycles, plans and election data relevant to the 2011 Congressional plan for Texas were not available for a sufficient period to allow for substantive public input.

38. The Texas House and the Senate each provided for only one hearing on the Congressional redistricting plan and provided less than 48 hours' notice before the hearings.

The 2011 State House Plan

39. A combination of direct evidence, discriminatory impact, and other circumstantial evidence—including the sequence of events preceding redistricting, procedural and substantive deviations from redistricting principles, and the historical background of previous discrimination in redistricting—establishes that Texas enacted the 2011 House plan with the intent to discriminate against minority voters.

Direct Evidence of Discriminatory Intent

40. As alleged above, individuals who played key roles in the 2011 redistricting process devised a method—which they discussed by email—to make it more difficult for Hispanics to elect their candidates of choice in certain districts.

41. Texas implemented this race-based strategy in adopting the 2011 House plan, especially in redrawing House District 117. In changing the boundaries of that district, Texas increased its Hispanic CVAP while simultaneously removing precincts where Hispanic voters turned out to vote at a high level and replacing them with

precincts whose Hispanic residents turned out at much lower rates. By doing so, Texas created the illusion of Hispanic electoral control in District 117 even though—in reality—the change eliminated the opportunity and ability of Hispanic voters to elect their candidates of choice.

42. State decision makers made public statements during the 2011 House redistricting process that indicate a racially discriminatory motive. For example, Texas state legislators—including State Representatives John Garza and Beverly Woolley—made comments indicating that their decisions during the 2011 House redistricting process were based, at least in part, on race and ethnicity.

Race-Based Splitting of Precincts

43. The 2011 House plan purposefully split precincts on the basis of race and ethnicity to dilute minority voting strength. This is particularly evident in House District 41, where six split precincts fenced out census blocks with significantly greater Hispanic population than those blocks that were included in the district.

44. As alleged above, the Texas House Redistricting Committee had a policy to minimize the splitting of precincts.

45. The Chair of that Committee rejected an amendment sponsored by a minoritypreferred Hispanic legislator on the ground that it violated this policy by splitting precincts.

46. Despite the Committee's policy of minimizing precinct splits, the 2011 Texas House plan split 412 precincts. This occurred even though there was no requirement—as there is with Congressional plans—that House districts have minimal population deviation. Deviations in district population biased the proposed House plan against minority voters by overpopulating districts in which minority voters have the opportunity to elect candidates of their choice, thereby limiting the number of such districts.

47. The precinct splits in the 2011 House plan primarily were concentrated in minority communities.

48. In the Section 5 preclearance action, the D.C. Court found that the lead mapdrawer for the House plan provided "incredible testimony" that "reinforces evidence suggesting mapmakers cracked [precincts] along racial lines to dilute minority voting power" and "suggests that Texas had something to hide in the way it used racial data to draw district lines." *Texas*, 887 F. Supp. 2d at 178.

Discriminatory Impact

49. The 2011 House plan would have a discriminatory impact on minorities, and this impact provides additional evidence that the plan was adopted with a discriminatory purpose.

50. Despite dramatic minority population growth in the last decade, the discriminatory intent is shown by the fact that the 2011 House plan for Texas reduced by five the number of districts that would provide minority voters with the ability to elect their candidates of choice. Under

the plan in effect prior to 2011, minority voters had the ability to elect their candidates of choice in 50 House districts. In the 2011 plan, that number was reduced to 45 districts, even though minority communities accounted for the overwhelming majority of Texas's population growth in the past decade.

51. The 2011 House plan for Texas purposefully packed minority population into certain districts to avoid creating—or to try to justify eliminating—districts in which minority voters would have the opportunity to elect candidates of choice. In Nueces County, for example, the State eliminated House District 33—a district represented by a Hispanic Republican in which minority voters had the ability to elect representatives of their choice—and protected the Anglo incumbent in District 32 by crafting a hook-shaped extension to pack Hispanic voters and potential Hispanic challengers (Republican and Democrat) into District 34.

52. The configurations of the 2011 House districts for Texas provide additional evidence of purposeful discrimination. One of the most vivid illustrations is the configuration of House District 41, an oddly shaped district designed to minimize the number of Hispanic voters in a district located in overwhelmingly Hispanic Hidalgo County. The district was underpopulated, and its borders split 17 precincts (more than 40% of the precincts in the district). The partial precincts in District 41 included census blocks with higher Anglo population and excluded homogenous Hispanic census blocks.

Procedural Departures from Texas's Usual Redistricting Practices

53. Unlike past redistricting cycles, plans and election data relevant to the 2011 State House plans for Texas were not available for a sufficient period to allow for substantive public input.

54. The chair of the Texas House Redistricting Committee released his statewide 2011 House plan proposal only two days before the first public hearing and required waiver of Texas's five-day posting rule, which is uncommon for a major bill such as redistricting.

55. Two public hearings concerning the 2011 House redistricting were conducted on a Friday and on Palm Sunday, limiting public participation.

56. The "County Line Rule" in Article III, Section 26 of the Texas Constitution states that if population will allow a district to be created without crossing county lines, then such a district should be created. The Texas Legislative Council Guidelines state that the County Line Rule should yield to the need for population equality or adherence to the Voting Rights Act.

57. Deviations from the County Line Rule in the 2011 House plan in Texas were permitted in Henderson County in order to comply with the federal one-person-one-vote requirement, but calls for deviation from the County Line Rule in order to comply with the Voting Rights Act in Nueces County—to protect a district in

which minority voters previously had the ability to elect their candidates of choice—were rejected.

58. The County Line Rule in the 2011 House plan in Texas was applied inconsistently from past practice in Harris County, providing legislators an excuse to eliminate House District 149, a district in which minority voters had the ability to elect their candidate of choice.

Intent Factors Common to Both Plans

The History of Discrimination in Texas

59. Under Supreme Court precedent, *see, e.g., Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 266-68 (1977), the examination of past discrimination is relevant to determining whether more recent government actions are intentionally discriminatory. Texas's history of official voting discrimination against its African-American and Hispanic citizens is longstanding and well-documented. *See, e.g., League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 439 (2006). This history of persistent racial discrimination provides circumstantial evidence of intentional discrimination in the 2011 Congressional and House plans.

The Sequence of Events

60. The sequence of events leading to the enactment of the 2011 Congressional and House plans for Texas reveals a pattern of excluding African-American and Hispanic representatives from the redistricting process while soliciting and implementing the preferences of Anglo representatives.

61. The sequence of events leading to the enactment of the 2011 Congressional and House plans for Texas also reveals a pattern of limiting the opportunity of African-American and Hispanic citizens to analyze and comment on the redistricting plans.

Substantive Departures from Texas's Usual Redistricting Practices

62. The redistricting process leading to the enactment of the 2011 Congressional and House plans for Texas departed from normal procedures followed by the Texas legislature in previous redistricting cycles.

Other Relevant Factors

63. Texas elections are marked by a pattern of racially polarized voting at virtually every level.

64. Many Hispanic and African-American citizens in Texas continue to suffer the effects of official discrimination, including a history of discrimination in voting-related activities.

65. The effects of discrimination on Hispanic and African-American citizens in Texas, including their markedly lower socioeconomic conditions relative to Anglos, continue to hinder their ability to participate effectively in the political process in Texas.

The Need for Section 3(c) Relief

66. As alleged above, the State of Texas has a history of intentional racial discrimination in redistricting. In each decennial redistricting cycle since 1975, the Attorney General has interposed an objection under Section 5 or

the D.C. District Court has denied preclearance to at least one of the State's statewide redistricting plans.

67. Outside the redistricting context, the State of Texas has employed a variety of devices to restrict minority voters' access to the franchise.

68. In the absence of relief under Section 3(c) of the Voting Rights Act, 42 U.S.C. § 1973a(c), there is a danger that Texas will continue to violate the Voting Rights Act and the voting guarantees of the Fourteenth and Fifteenth Amendments in the future.

CAUSES OF ACTION

69. The United States re-alleges and incorporates by reference the allegations set forth above.

70. The State of Texas's 2011 Congressional delegation redistricting plan, Plan C185, was adopted with the purpose of denying or abridging the right to vote on account of race, color, or membership in a language minority group in violation of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, and the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution.

71. The State of Texas's 2011 State House redistricting plan, Plan H283, was adopted with the purpose of denying or abridging the right to vote on account of race, color, or membership in a language minority group in violation of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, and the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, the United States prays that the Court enter an order:

(1) Declaring that the 2011 Congressional and House plans for Texas were adopted with the purpose of denying or abridging the right to vote on account of race, color, or membership in a language minority group in violation of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, and the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution;

(2) Retaining jurisdiction of this action under Section 3(c) of the Voting Rights Act for a period of ten years and ordering that during such period no voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced (May 9, 2011) shall be implemented by the State of Texas unless and until it receives preclearance for the voting change from the Attorney General or this Court; and

(3) Granting such additional relief as the interests of justice may require.

Date: September 25, 2013

Respectfully submitted,

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FILED
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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY /s/
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, et al.	§	
	§	
Plaintiffs	§	CIVIL
v.	§	ACTION NO.
	§	5:11-CV-0360-
STATE OF TEXAS, et al.	§	OLG-JES-XR
	§	[Lead Case]
Defendants	§	

PLAINTIFFS' SIXTH AMENDED COMPLAINT

TO THE HONORABLE COURT:

Come Now, Shannon Perez, Gregory Tamez, Sergio Salinas, Carmen Rodriguez, Nancy Hall, Dorothy DeBose, Jessica Farrar, Wanda F. Roberts, Richard Nguyen Le, TJ Carson and League of United Latin American Citizens (collectively referred to herein as the "Perez Plaintiffs") and file their Sixth Amended Complaint and would show the court as follows:

I.
PARTIES

1. Plaintiff Shannon Perez is a Latina and a citizen and registered voter who resides and is domiciled in Bexar County, Texas.

2. Jessica Farrar is a Latina and a citizen and registered voter who resides in Harris County and a member of The Texas House of Representatives, representing the 148th Legislative District of Harris County.

3. Plaintiff Gregory Tamez is a Latino and a citizen and registered voter who resides and is domiciled in Bexar County, Texas.

4. Plaintiff Sergio Salinas is a Latino and a citizen and registered voter who resides and is domiciled in Hidalgo County, Texas.

5. Plaintiff Carmen Rodriguez is a Latina and a citizen and registered voter who resides and is domiciled in El Paso County, Texas.

6. Plaintiff Nancy Hall is an African-American and a citizen and registered voter who resides and is domiciled in Dallas County, Texas.

7. Plaintiff Dorothy DeBose is an African-American and a citizen and registered voter who resides and is domiciled in Tarrant County, Texas.

8. Plaintiff Wanda F. Roberts is an African-American and a citizen and registered voter who resides and is domiciled in McLennan County, Texas.

9. Richard Nguyen Le is an Asian-American and a citizen and registered voter who resides and is domiciled in Fort Bend County, Texas.

10. Plaintiff TJ Carson is an African-American and a citizen and registered voter who resides and is domiciled in Bell County, Texas.

11. Plaintiff, League of United Latin American Citizens, hereinafter LULAC, founded in 1929, is the oldest and largest Latino civil rights organization in the United States. LULAC is a non-profit organization with presence in most of the fifty states and Puerto Rico. LULAC has chapters in almost all counties in Texas and individual members in almost all of the counties. LULAC has long been active in representing Latino's and other minority interests in all regions of the state through advocacy and litigation.

12. Plaintiff LULAC joins this complaint for the limited purpose of challenging the redistricting of the Texas House of Representatives as set forth in paragraph 32 below.

13. Defendants are officials of the State of Texas thereof who have duties and responsibilities under the laws of the state to redistrict congressional and state legislative districts in Texas following the release of the decennial census.

14. Defendant Rick Perry is the Governor of the State of Texas and, under Article IV, Section I, of the Constitution of the State of Texas, is the chief executive officer of the State of Texas.

15. Defendant David Dewhurst is the Lieutenant Governor of Texas. Under Article IV, Section 16, of the Texas Constitution he is the President of the Texas Senate.

16. Defendant Joe Straus is the Speaker of the Texas House of Representatives and is the presiding officer over the Texas House of Representatives.

17. Defendant John Steen is the Secretary of State for the state of Texas and is the state's chief election officer, succeeding Hope Andrade.

II.
JURISDICTION AND VENUE

18. Plaintiffs' complaint arises under the United States Constitution and federal statutes to wit Section 2 of the Voting Rights Act, 42 U.S.C. §1973 et seq., and the Fourteenth and Fifteenth Amendments to the United States Constitution.

19. This court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), and 1357; and 42 U.S.C. §§ 1983 and 1988.

20. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

21. Plaintiffs seek declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202 and a remedy under the provisions of Section 3(c) of the Voting Rights Act, 42 U.S.C. 1973(a)c.

22. Plaintiffs request convening of a three-judge court pursuant to 28 U.S.C. § 2284.

III.
STATEMENT OF CLAIM

23. This amended pleading concerns the plans for future elections to the Texas House of Representatives and the election of the Texas Congressional delegation.

24. As this Court knows all too well, protracted litigation ensued following the Texas Legislature's adoption of Texas House and Congressional Redistricting, all evidenced in earlier orders of this Court. The outcome of this litigation was an order by this Court implementing for the 2012 election cycle interim election plans under which the 2012 elections were conducted. These plans were specifically limited to the 2012 elections.

25. In the 2013 regular session of the Texas Legislature, no action was taken on redistricting bills. However, since that time, the Governor called the Legislature into special session with the instructions to enact this Court's interim plans as the State's permanent redistricting plans. The Legislature dutifully complied and enacted S.B. 3 establishing districts for the Texas House of Representatives. S.B. 3 is identical to this Court's interim plan with the exception of minor

modification of two districts in Dallas County and 2 districts in Harris County, and minor modifications in Webb and Tarrant counties. The Legislature adopted S.B. 4 redistricting the Texas Congressional plan. S.B. 4 is identical in all respects to this Court's interim plan. The Governor has signed S.B. 4 and S.B.3 into law.

26. Although the Court has ordered that the 2014 elections be conducted under S. B. 3 (Plan H 358) and S. B. 4 (Plan C 185) as "interim plans", these plans will continue to violate the constitutional and statutory right of Plaintiffs to be protected from intentional discrimination on the basis of race and ethnicity in the redistricting process and to be secure from the dilution of their right to vote.

27. With respect to the reapportionment of the Texas Congressional seats, the original legislative plans intentionally discriminated against minority voters fragmenting them into disparate districts and diluting their voting strength. S. B. 4 carries forward many of these violations. The Court's interim plan, incorporated in S. B. 4, somewhat ameliorated this statutory and constitutional violation but the underlying injury to the minority voters remains unremedied and continuing in S. B. 4. The discriminatory intent is manifested throughout the congressional redistricting process as exemplified by the diminution of minority voting strength in District 23, the destruction of a functioning minority coalition in District 25, the failure to create an additional Latino opportunity district in South Texas, and the failure to create an additional minority opportunity district in the Dallas-Fort Worth Metroplex.

28. The original legislative enactment in 2011 reapportioning the Texas House intentionally discriminated against minority voters. The current enactment S. B. 3 perpetuates that discrimination and is littered with intentional diminution of minority strength and fragmentation of minority communities in violation of the 14th and 15th Amendments together with violations of 14th Amendment one person-one vote commands in the Districts we detail below.

A. Dallas County Districts 102, 105, 107 and 113;
B. Harris County Districts 132 and 135;
C. Fort Bend County District 26;
D. Tarrant County Districts 93 and 96;
E. Bell County District 54;
F. McLennan County District 56;

IV.
RELIEF REQUESTED

WHEREFORE, premises considered, Plaintiffs respectfully request the following relief:

A. That this court assume jurisdiction and request the convening of a three-judge court pursuant to 28 U.S.C. Sec. 2284.

B. Declare the existing plans for election of the Texas House of Representatives and Texas Congressional seats to be in violation of the Voting Rights Act and the 14th and 15th Amendments and enjoin their use in any future elections;

C. Issue an order pursuant to 42 U.S.C. 1973a(c) requiring Texas to preclear its election plans through the Department of Justice in accordance with the Voting Rights Act.

D. Award Plaintiffs a reasonable attorney's fees and costs; and

E. Grant such other relief as may be necessary and proper as the needs of justice may require, including appropriate injunctive relief.

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, *et al.*, *Plaintiffs*, v. STATE OF TEXAS, *et al.*, *Defendants*.	CIVIL ACTION NO. SA-11-CA-360-OLG-JES-XR [Lead case]

DEFENDANTS' ADVISORY TO THE COURT

In response to the Court's request at the hearing held on April 27, 2017, Defendants advise the Court that during the week of June 26 to June 30, 2017, a bench trial is scheduled in Cause No. D-1-GN-15-004391; ***Bailey, et al. v. Texas Parks and Wildlife Department, et al.***; in the District Court of Travis County, Texas. Lead counsel for the State of Texas in this case also serves as lead counsel for the Texas Parks and Wildlife Department in Cause No. D-1-GN-15-004391. Although dispositive motions have been filed in that case, it is currently scheduled for a bench trial at that time. Defendants request that this Court does not set any hearings or trial during that week.

Defendants also wish to provide the Court with additional details about the deadline for providing voter-registration-certificate templates to county election officials. According to the Texas Secretary of State, October 1, 2017, a Sunday, is the last possible date when

individual voter-registration-certificate templates must be provided by the Secretary of the State to each of the 254 county election officials in the State of Texas. Historically, those templates have been provided to county election officials during the summer in such a way as to coincide with the County Election Official's Annual Seminar. Pursuant to Section 14.001 of the Texas Election Code, the voter election certificates must be mailed to individual voters on or after November 15, but before December 6, 2017.

The election-certificate templates must be provided to the counties by October 1, 2017, as each individual county must print the necessary election certificates for every registered voter with an active registration and mail the certificates within the statutory deadline. Counties must get their certificates printed by a third-party vendor and validate the color sample provided against the color sample provide by the Secretary of State, which includes validation of the certificate wording. Each step in the process can take several weeks, and many counties use third-party vendors to mail the election certificates. Counties using third-party vendors to mail their certificates often require additional timing for the print and mail shop to produce, cut, and mail the certificates on behalf of the county. To allow this process to occur without interruption and meet the statutorily imposed deadlines for election certificate mailing, any precinct changes would need to be implemented by October 1, 2017.

Date: May 1, 2017

Respectfully submitted.

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, ET AL, Plaintiffs,	)	
	)	No. SA:11-CV-360
vs.	)	
	)	San Antonio, Texas
RICK PERRY, ET AL, Defendants.	)	July 10, 2017

TRANSCRIPT OF TRIAL DAY I

BEFORE THE HONORABLE ORLANDO L. GARCIA, THE HONORABLE XAVIER RODRIGUEZ, UNITED STATES DISTRICT JUDGES, AND THE HONORABLE JERRY E. SMITH, UNITED STATES CIRCUIT JUDGE

[5] * * * MR. GARZA: Jose Garza for the Mexican American Legislative Caucus. And we call Mr. George Korbel. Mr. Korbel will testify about the demographic changes in the [6] state of Texas and on redistricting plans that he has developed for the plaintiffs on the state house of representatives today.

* * *

THE DEPUTY CLERK: Please raise your right hand. Do you solemnly swear that the testimony which you are about to give in the matter now before the Court will be

the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

GEORGE KORBEL, PLAINTIFF'S WITNESS, SWORN

DIRECT EXAMINATION

* * *

[25] * * * BY MR. GARZA:

Q. Can I call your attention now to Exhibit Number 12, Mr. Korbel. We're going to focus on Nueces County for a moment.

A. Yes.

Q. Now, you recall there's been a lot of discussion about [26] whether two minority opportunity -- two Hispanic opportunity districts out of Nueces County could be developed.

Did you make an effort to draw two wholly contained minority districts in Nueces County?

A. Yes, I did.

Q. And were you successful?

A. I was able to draw two state house districts that would be totally contained within Nueces County that would each be more than 50 percent Hispanic citizen voting age population.

But when I looked at the election returns that we received from the legislative counsel, I found that those

districts did not perform very well. In fact, one performed not at all, and the other one only performed sporadically. Where – when I say "performed," I mean the trace of the minority community was elected.

Q. Okay. So let me call your attention to Plaintiffs' Exhibit 13.

A. Yes.

Q. And is that the comparison that you alluded to?

A. Yes.

Q. And before you start, you made an assumption in that – in developing that exhibit; is that correct?

A. Yes, I did.

Q. You didn't do racially polarized voting analysis for this case?

[27] A. I didn't.

Q. And you didn't determine the Latino-preferred candidate of choice in this case?

A. I didn't.

Q. What assumption did you make to analyze those two districts?

A. Well, my assumptions were based on the expert reports from the people who did regression analysis and on my understanding of the testimony of Dr. Alford at his deposition, that the choice of the minority community was consistently the democrat candidate.

Q. So this is a measure of the Latino-preferred candidate as measured by whether the democrat won in those districts?

A. That's correct.

Q. And what elections did you review?

A. I looked at all of the statewide exogenous elections from 2010 through 2016. That was a total of where there was a democratic candidate. That was a total of 30 elections.

Q. And what was the result, as you indicated?

A. In the benchmark Plan 358 for Corpus Christi, District 32, in none of the exogenous elections was the minority -- was the choice of the minority community successful. And in 34, 28 of the 35 statewide.

Q. So just to be clear --

A. Yes.

[28] Q. -- the plan that -- the two districts are contained in what's called H400?

A. Yes.

Q. That's the plan that you tried to draw two wholly contained districts, Latino-majority CVAP districts, Nueces County?

A. Yes.

Q. So District 32 in Plan H400 is successful in 7 out of the 35 races that you looked at?

A. 7 out of the 35, yes.

Q. And District 34, in none of them were they successful?

A. Not successful in any, no.

Q. So you couldn't draw two districts wholly contained within Nueces County that were Latino CVAP majorities and were both performed for the Latino community?

A. I could not, no.

Q. Okay. So, as a result of that, in Plan 391, H391, did you open up the county line for -- to draw a district in Nueces County?

A. I did.

* * *

[29] * * * Q. So would you explain to the Court the manner in which you drew the two districts that were anchored in Nueces County?

A. I took Kleberg County and left Kleberg County whole and then poured population from Nueces County into the -- into a district with -- 32, which included Kleberg County. It's primarily a Nueces County district, but it includes Kleberg County.

Q. All right. And the balance of Nueces County?

A. I created a District 34 in the -- in the western part of Corpus Christi and Robstown, which is essentially where it is now. And then the balance of the population went north into a District 30, including Aransas County and counties north of that.

* * *

[30] * * * Q. Now, in Nueces County district that you drew, HD32, how did it perform now by opening up the county line?

A. By opening up the county line, if you look at – it would not have been successful in any of the elections in 2010. But that's a long time ago. If you look at the elections in 2012 through 2016, that would be a total of 25 elections, and it was successful in 12 of those 25 elections.

Q. All right. And in each of these districts, in 2016 all performed almost 100 percent?

A. Yes. Each of these -- each of these districts in the most recent elections performed at almost 100 percent.

* * *

[CROSS-EXAMINATION BY MR. SWEETEN:]

[65] * * * Q. Okay. There are exactly two house districts in Nueces County right now, correct?

A. That's correct.

Q. And Plan H391, you've made it into three districts, correct?

A. That's correct.

Q. And two of those districts across the Nueces County line, right?

A. Yes. The Nueces County line is split.

Q. You have a northern protrusion from the county line and a southern one that goes down into Kleberg County, correct?

A. Yes.

Q. And the house district that remains in place is HD34, [66] correct? Within Nueces County.

A. Yes.

Q. Abel Herrero's district?

A. Yes.

Q. Based on your experience, it is not possible to draw two Hispanic opportunity districts contained wholly within Nueces County, at least not two that perform, correct?

A. That's correct.

Q. It's also true, isn't it, that it's not possible to draw two performing Hispanic opportunity districts wholly or partly in Nueces County by crossing the county line only once, right?

A. That is correct. But it would be physically impossible not to do that because –

Q. You're saying so it's not possible to draw two -- an additional district that doesn't cross two portions of the county line in Nueces, right?

A. That's correct.

Q. Now, you would agree with me that Plan HD391, it joins several areas from Nueces County. It goes north – If we could zoom in on Nueces County.

So this is your Plan H391, correct? And it shows that District 30 goes -- takes part of Nueces County, goes north into Aransas, correct?

A. That's correct.

[67] Q. Picks up those islands off the coast from Nueces to Aransas County, correct?

A. That's correct.

Q. And that it also -- what's not shown here is that 30 also adds an additional county, correct?

A. Yes.

Q. And that's Victoria County, correct?

A. It does.

Q. An inland county, right?

A. It is, yes.

Q. You pair -- in this drawing that splits two places in the Nueces County line, you pair longtime member Geanie Morrison and Representative Todd Hunter, correct?

A. There is a pairing, yes.

Q. Okay. And that pairing is those two individuals, right?

A. Yes.

* * *

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, ET AL, Plaintiffs,	)	
	)	No. SA:11-CV-360
vs.	)	
	)	San Antonio, Texas
RICK PERRY, ET AL, Defendants.	)	July 11, 2017

TRANSCRIPT OF TRIAL DAY II

BEFORE THE HONORABLE ORLANDO L. GARCIA, THE HONORABLE XAVIER RODRIGUEZ, UNITED STATES DISTRICT JUDGES, AND THE HONORABLE JERRY E. SMITH, UNITED STATES CIRCUIT JUDGE

* * *

[622] * * * MR. BITTER: Your Honors, we call Conor Kenney to the stand. Just so the Court is aware, Mr. Kenney was the chief of staff for Representative Burnam during the 2013 session. We heard yesterday deposition testimony from Representative Burnam. Mr. Kenney was the individual who drafted the amendment that affected HD90.

THE CLERK: Would you raise your right hand.

(The oath was administered)

CONOR KENNEY, DEFENDANT'S WITNESS, SWORN

DIRECT EXAMINATION

BY MR. BITTER:

Q. Hi, Mr. Kenney. Adam Bitter for the defendants, the Attorney General's office. Could you please introduce yourself to the Court?

A. My name is Conor Kenney.

Q. Mr. Kenney, during the 2013 legislative session, where did you work?

A. I worked for State Representative Lon Burnam.

Q. Which district did Representative Burnam represent?

A. HD90.

Q. What was your position?

A. I was the chief of staff.

* * *

[631] * * * Q. Mr. Kenney, are you aware whether there were requests from the public in 2011 to put Como back into House District 90?

A. Yes, we received a letter from one of the precinct chairs who I think was also the chair of the Como Neighborhood Association or advisory committee, something like that. And Dorothy DeBose, I believe her name is, and she wrote Representative Burnam a letter, very upset about -- in the letter I think it was dated sometime I think maybe

A. Well, this one is made to Representative Burnam, and there was another letter to Representative Geren that made basically the same point.

* * *

Q. Mr. Kenney, what is the -- to the extent you know, what is the demographic makeup of the Lake Como area?

A. It's predominantly African American.

Q. And in the 2011 plan, where were the residents of Lake Como put into, what district?

A. They were put into District 99.

[633] Q. And who is the representative for that district?

A. Representative Charlie Geren.

* * *

[634] * * * Q. At some point during the 2013 special session, did you begin drawing potential amendments to House District 90's configuration?

A. I think I'd been noodling around on the redistricting software a little bit. I didn't draw a plan for quite a while, not really until we learned that leadership would actually be entertaining some amendments. Prior to then, the word was that the bulk of the leadership was going to ratify the Court-ordered map and that no amendments were going to be accepted.

So while we had kicked around some ideas to make a statement about the redistricting in Tarrant County in general and with District 90 in particular, you know, I wouldn't say that we really began earnestly working on an

actual proposal until, you know, in the days before the floor hearing.

Q. Well, and let's focus on the time during the special session then. At some point were you asked to draw amendments to House District 90?

A. Yes.

Q. And who asked you to do so?

A. Representative Burnam.

Q. Was Representative Burnam the only person who asked you to [635] draw changes to House District 90?

A. That's correct.

Q. Did Representative Burnam provide any instructions to you in drawing potential amendments?

A. Yes.

Q. And what were those specific instructions?

A. The first instruction was, according to what we had heard, which was that only simple amendments between two, maybe three members that didn't really change very much would be accepted and then actually heard on the floor. So according to that, my instructions were see if you can work something out in swaps between 90 and 99 that bring the Como neighborhood back into 90.

Q. And were those instructions provided by Mr. -- by Representative Burnam?

A. That's correct.

Q. And do you know why he gave you -- what the basis was for those instructions from him?

A. Yeah. I mean, we discussed at length the Como neighborhood and why he thought it should be back in the district.

Q. And what was the goal behind any of redrawing of HD90 from your office's perspective?

A. Simply to bring Como back into the district.

* * *

[636] * * * Q. Who was responsible for drawing maps in Representative Burnam's office?

A. I was.

Q. I'm sorry. Was there anybody else who was involved in that?

A. No.

Q. Did you use RedAppl in drawing maps?

A. Yes.

[637] Q. Was there anyone else in Representative Burnam's office that used RedAppl?

A. No.

Q. What was Representative Burnam's role in drafting the maps?

A. He gave me instructions for the first map, and then after we discussed the first map, gave me instructions for the second map.

Q. Did Representative Burnam sit with you or otherwise

provide thoughts as you were drafting the changes to House District 90?

A. No. At this point the -- I mean, the special session is in full swing, and he was pretty much on the floor most of the day. So I would be sitting up in the office. We have kind of a direct line between his desk and my office and we talk on that, but not personally there, no.

Q. I want to ask you about the process that you undertook to draft amendments to changes to House District 90. What data were you using as you first started drafting a map?

A. Well, the first round, I think I really only looked at the population deviation because I simply grabbed the Lake Como precincts, pulled them in and then I think we were maybe a little over. And I may have grabbed one or two other precincts and put them in the District 99, but it was really precinct level and I didn't -- as I was making it, I didn't look at any [638] of the demographic information or anything like that.

Q. What was the goal -- as you were drafting it, what was your goal in preparing this draft?

A. Simply to bring Lake Como into the district.

Q. After you finished with this initial draft of the map, did you provide a copy of it to anyone?

A. Yes. As just an informal kind of temperature check, I walked it over to Representative Martinez-Fischer's office and we consulted with Mr. Golando there and just asked him what he thought of it, what his temperature was on it.

Q. Do you recall what information you provided Mr. Golando whether it be a map or any other kind of data?

A. I recall his feedback to me, and actually I can't recall if I shared it with him electronically or if I showed him a printout or something. But his feedback was that was -- related to the Spanish surname voter registration, so I assumed I either gave that to him or he looked it up.

Q. And what was the information that Mr. Golando told you about his view of the first proposed map?

A. He said he doubted that members of the Mexican American Legislative Caucus would support a map that brought the SSVR below 50 percent for that district.

Q. And what did he indicate that the concern was with that drawing of the map?

A. I don't think he indicated what the value behind that [639] concern was. You know, I mean, just implicitly I mean 50 percent is control. SSVR tracks pretty well with voter turnout so --

Q. Had Mr. Golando requested a copy of the map?

A. No. Now, I may have given it to him, but it was of my own initiation.

Q. I want to pull up DX799, please.

And this is Plan -- it's indicated as Plan H328. I don't know if you recall seeing a copy of this at your deposition, but is this a copy of the first draft map that you're referring to?

A. Yes, looks like it. Yeah.

Q. And if we can go to Page 2, please.

And if we look at Page 2, this is another Red 202 report. If we focus in on House District 90, total voter registration SSVR, what is the number there?

A. 48.2 percent.

Q. And was that lower than what the SSVR was in the 2011 enacted plan?

A. Yes. I recall it being 51.1, I think. 51.2.

Q. And so when you were finished with the first draft of the map, did you recognize that the SSVR had gone down a couple of percentage points?

A. Yeah. When Mr. Golando pointed out, you know, I certainly was -- had a pause and said, okay. I got to talk to my boss [640] about this.

Q. Was it significant to you that -- was it significant for you that the SSVR of House District 90 would go above 50 percent?

A. Was it significant to me that it would go above?

Q. Was that -- was that a -- when you saw that it was below 50 percent, what was your view of that?

A. Well, I knew that it practically, you know, even if maybe leadership agreed if some of the people started to raise a lot of heck about it, then we could have problems with it. We wanted to go in kind of quiet and fast and get this done before actually what ended up happening, which was chaos kind of erupted and they slammed the door shut on amendments. So we wanted it to be noncontroversial, and that was certainly a point that could become controversial.

I am not a lawyer. I studied the Voting Rights Act a little bit in grad school and I knew that 50 percent could be a problematic threshold if we went below that.

And then just as well, you know, morally wanted to, you know, preserve minority voting power in that district.

Q. You talked before instructions you received from Representative Burnam. Was it an instruction or a guideline that you were trying to follow in getting the SSVR down at all?

A. No. The sole instruction were two, were do it with HD99 and bring Como in.

[641] Q. After talking with Mr. Golando, what did you do next with drafting the map?

A. I sent it down to my boss and talked to him about it via phone.

Q. And what information did you share with Representative Burnam?

A. I managed to relay what Mr. Golando said, and then walked through a little bit of what I had done with the mapping.

Q. Did you show the representative -- go ahead.

A. And what the numbers were.

Q. Did you show Representative Burnam any particular demographic information about the plan?

A. We went through a couple of numbers, but the only one I really recall discussing is the SSVR percentage.

Q. At this time did Representative Burnam provide you any additional instructions on drafting or continuing to draft changes to House District 90?

A. Yeah. He said, okay. Go back and see if you can draw a version that does a little more swapping between 90 and 99 that restores the SSVR level back up to the -- to the plan that we were amending.

* * *

[CROSS-EXAMINATION BY MS. PERALES:]

[660] * * * Q. Now, what you did know about the 2011 redistricting of House District 90 was both that the district lost Como and that the district became substantially more Hispanic, correct?

A. That's correct.

Well, I don't know. You have to qualify "substantially."

Q. Do you recall when I took your deposition and I asked you:

"Question: Okay. Do you know whether the Latino population in House District 90 has been increasing over the past decade?

"Answer: Well, it depends on how you define District 90. Obviously, it changed very substantially recently. So I know in the redistricting changes that occurred in 2011 that there was -- that the portion of the population that is [661] Hispanic increased fairly dramatically, and I know we lost Como, and -- and, yeah, that's what I know there."

Is that your testimony?

A. That is my testimony, yes.

Q. I believe this was implicit, but just for the purpose of the record, when you worked on Representative Burnam's amendment maps in 2013 during the special session, you used the Texas legislative council's RedAppl system, correct?

A. That's correct.

Q. Now, following up on your previous testimony regarding when you learned that amendments might be considered in the 2013 special session with respect to the redistricting bill, it's true that you were at first surprised that amendments to the map would be seriously considered, correct?

A. That's correct.

Q. And you worked on your maps in a compressed time period of less than one week, correct?

A. That's correct.

Q. And during that week you testified earlier that you reached out and shared your draft map with Martin Golando of the Mexican American Legislative Caucus, correct?

A. That's correct.

Q. And, in fact, Mr. Golando's feedback to you was he didn't think MALC could support a map that substantially diluted Hispanic voting power in the district, correct?

[662] A. I don't want to be too precise on whether that meant MALC as an organization or whether MALC members. And I don't recall what the case was exactly.

Q. Do you recall when I took your deposition and I asked you:

"Question: And do you remember what he said inresponse with respect to Mr. Golando?"

That you responded:

"Answer: I believe his response was that he didn't think MALC could support a map that substantially diluted Hispanic voting power in the District."

Was that your testimony?

A. Yes.

Q. And it's correct that you did drop off a draft of your map at Representative Geren's office, correct?

A. Of the second map, yes.

Q. H328; is that correct? The second map, 342.

A. I think it might -- the second map.

Q. Okay. The second map?

A. The one that was adopted.

Q. The one that was adopted --

A. Yes.

Q. -- was the one you dropped off at Representative Geren's office?

A. That's correct.

Q. Thank you.

[663] Now, you testified earlier that when you first undertook your mapping exercise in 2013, that your

explicit instruction from Representative Burnam was to bring the neighborhood of Como back into HD90, correct?

A. That's correct.

* * *

Q. Thank you.

And on your first draft you didn't make any other changes other than to bring Como into HD90, correct?

A. I think it's possible I may have kind of randomly kicked some precincts back into 99 if we exceeded the population, but I really don't recall. Nothing with an intended purpose other than meeting the population limits.

Q. And you brought this first draft map to Mr. Burnam and you pointed out to him that bringing in Como had substantially reduced the SSVR below 50 percent, correct?

A. It reduced it by about two points I think, yeah.

Q. Do you recall when I took your deposition I asked you:

"So we were talking about the moment in time when you gave your map to Representative Burnam with a data table. Do [664] you know what he did with the map and the data table after that?

"Answer: I believe my conversation with him was I talked to Marty and they did not like what it did to Hispanic voting age population and -- and I pointed out to him that it did substantially -- that the SSVR did substantially decrease, and particularly that it decreased below 50 percent."

Was that your testimony?

A. Yes.

That wasn't what you asked.

Q. But you did not request or look at any data showing whether the district changed in its election performance because, in your opinion, it is a heavily democratic district and thus, the changes were not of concern to you, correct?

A. That's correct.

Q. And then as you previously testified, Representative Burnam asked you to keep the Como precinct in but to try to raise that Hispanic SSVR, correct?

A. That's correct.

Q. And so you tried in your mind to restore Hispanic voting power to the same level that it was in Plan H309, correct?

A. As defined by SSVR, yes.

* * *

[REDIRECT EXAMINATION BY MR. BITTER:]

[693] * * * Q. Last set of questions.

In response to both questions from Ms. Perales and the Court, you spoke about the limitations from your perspective on where you could swap districts and that you -- it was your perspective you were limited to House District 99; is that correct?

A. That's correct.

Q. As part of that, as part of the basis for your perspective on that, have you had any communications with Representative Geren about that issue?

A. I had not.

Q. Had you had any communications with Representative Geren's office about that issue?

A. No, I had not.

Q. Had you had any communications with Chairman Darby about that issue?

A. I had none.

Q. Had you had any communications with Chairman Darby's staff about that issue?

A. I had none.

[694] Q. Had you had any communications with anyone in the House leadership about the extent to which amendments would be accepted in 2013?

A. No. It was simply scuttlebutt.

Q. Ms. Perales asked you about your recollection of what Mr. Golando told you about the map, and I believe your testimony live and through the deposition was that Mr. Golando indicated that MALC did not support a map that substantially diluted the vote of Latinos, something to that effect. Do you remember that testimony?

A. I do remember that testimony.

Q. Beyond your conversation with Mr. Golando, did you talk to any other individuals affiliated with MALC about the maps that you were preparing?

A. No. And -- well, I did not.

Q. Did you speak to any legislators about the maps that you were creating?

A. No, I did not.

Q. Are you aware that Representative Burnam's floor amendment was adopted?

A. Yes, it was.

Q. Are you aware whether there was a record vote taken on that amendment?

A. There was not.

Q. Are you aware whether any members could have requested a [695] record vote on that amendment?

A. They could have, yes.

Q. And so I just want the record to be clear. At any point in the drafting of any of the maps did you have conversations with any members of the legislature about the changes you were making to House District 90?

A. No, I did not.

Q. Did you have any communications about why you were making those changes?

A. No, I did not.

* * *

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, ET AL, Plaintiffs,	)	
	)	No. SA:11-CV-360
vs.	)	
	)	San Antonio, Texas
RICK PERRY, ET AL, Defendants.	)	July 17, 2014

VOLUME 4
TRANSCRIPT OF TRIAL

BEFORE THE HONORABLE ORLANDO L. GARCIA, THE HONORABLE XAVIER RODRIGUEZ, UNITED STATES DISTRICT JUDGES, AND THE HONORABLE JERRY E. SMITH, UNITED STATES CIRCUIT JUDGE

[1102] THE WITNESS: Don't do that to me.

JUDGE GARCIA: Okay. We will take a recess. (Brief recess.)

JUDGE GARCIA: You may be seated.

And call your next witness.

MS. McLEOD: Good morning, Your Honor. Michelle McLeod on behalf of the United States. And the plaintiffs are now moving to the Dallas area.

JUDGE GARCIA: Okay.

MS. McLEOD: And our first witness is Michael McPhail.

COURTROOM DEPUTY: Please raise your right hand.

(Oath administered to the witness.)

COURTROOM DEPUTY: Thank you. You may have a seat.

*_*_*_*_*_*_*_*_*

DIRECT EXAMINATION

BY MS. McLEOD:

Q. Good morning, Mr. McPhail. And please state your name for the record.

A. Michael Brendan McPhail.

Q. Thank you, Mr. McPhail. Where do you live?

A. Irving, Texas.

Q. And how long have you lived in Irving, Texas?

A. My entire life.

Q. And where did you attend high school?

[1103] A. Irving High School.

Q. And where did you attend college?

A. North Lake Junior College. I went to a few semesters at the University of Texas at Austin, and then I got my bachelor's degree in finance from Columbia Southern University.

Q. So outside of the semester that you spent at UT Austin, have you always lived in Irving?

A. Yes.

Q. And how long have you resided at your current address in Irving?

A. My entire life.

Q. And in what Texas House district does your home address sit?

A. House District 105.

Q. And what legislator represents House District 105 currently?

A. Linda Harper-Brown.

Q. And can you tell the Court a little bit about your professional background?

A. Yes. Starting in 1999, I went into mortgage banking. I worked for City Financial Mortgage. Well, first as a temp and then as a permanent employee for City Financial Mortgage from about 1999 to 2004. Then from 2004 to 2012, I worked for First -- it was what was called First Horizon Home Loans. It [1104] was bought out by Metlife Insurance in 2008.

After they closed the company in 2012, I held a few different jobs through 2012. One of them was a voter registration project position with a woman by the name of Sharon Barbosa-Crain. One of them was for a political consultant in Dallas doing data entry. And I also worked as the elections coordinator for the Dallas County

Democratic Party in the 2012 election cycle, recruiting and training election day judges and alternate judges.

JUDGE GARCIA: Mr. McPhail, you might want to slow down.

THE WITNESS: I apologize, sir.

BY MS. McLEOD:

Q. And did you hold a position at Wells Fargo Home Mortgage?

A. Yes. In January of 2013, I was hired to be a mortgage underwriter at Wells Fargo Home Mortgage. And as the federal government shutdown took effect, they laid off a third of my office late in 2013, and I was one of the people laid off.

Q. And what are you currently doing?

A. Currently, I am seeking full-time employment and I am volunteering in a variety of groups in my community.

Q. Can you tell us a little bit about the community work that you are doing?

A. Yes. I am a member of a lot of civic associations in Irving, from the Elks Lodge and the Irving Evening Lions Club [1105] to the Irving Democratic Club, League of Women's Voters, Irving, Texas Democratic Women, Friends of the Irving Public Library, Irving Heritage Society.

I also serve on the state Democratic Executive Committee for Senate District 9. I am the committeeman. In that capacity, I basically serve as a liaison between the grass roots and the party structure. The Executive

Committee governs the party between the biennial state conventions.

Q. Are you familiar with the neighborhoods in and around Irving?

A. Yes.

Q. And how did you gain this familiarity?

A. Living there my whole life, working in Irving, going to school in Irving, and also through political volunteering, especially door-to-door block walking, and phone banking.

Q. How many neighborhoods would you say you have block walked in Irving?

A. Just about every – almost every non-gated, non-apartment community in Irving, at one point or another, in the last eight years.

Q. And are you familiar with the racial demographics of the neighborhoods in Irving?

A. Yes.

Q. And how did you gain that familiarity?

A. Growing up in Irving, watching it change over the years; [1106] especially doorknocking, you see people face to face at the doors.

Q. Are you familiar with voter turnout in the precincts in Irving?

A. Yes.

Q. And how did you gain that familiarity?

A. Largely through reviewing election results that are available on the Dallas County Elections Department website.

Q. I would like to pull up an exhibit to show you, U.S. Exhibit 500. And do you recognize this exhibit?

A. Yes.

Q. And could you tell the Court what it is?

A. That was the State House district map for Dallas County that was in effect from 2001 to 2011.

Q. And have you seen this exhibit before today?

A. Yes.

Q. And do you remember when you first saw this map?

A. It would have been probably around 2001, 2002, when the map went into effect.

Q. Okay. And is Exhibit 500 a fair representation of the lines that you saw around 2001, 2002?

A. Yes.

MS. McLEOD: Your Honors, I move to admit United States Exhibit 500 into evidence.

MR. FREDERICK: No objection, Your Honor.

[1107] JUDGE GARCIA: It is in. Thank you.

BY MS. McLEOD:

Q. Mr. McPhail, can you generally describe the configuration of HD 105 on this map?

A. It is generally a compact map encompassing most of Irving north of the Rock Island railroad and west of Loop 12.

Q. And I will pull up Exhibit 501. And do you recognize this exhibit?

A. Yes, I do.

Q. And what is it?

A. That is the House district -- Dallas County State House district map that was adopted by the legislature in 2011.

Q. And have you seen this exhibit before today?

A. Yes.

Q. When was the first time you saw this exhibit?

A. 2011, as it was being debated.

Q. And is Exhibit 501 a fair representation of what you saw in 2011?

A. Yes.

MS. McLEOD: Your Honors, I move to admit U.S. Exhibit 501 into evidence.

MR. FREDERICK: No objection.

JUDGE GARCIA: It is in.

BY MS. McLEOD:

Q. How would you describe the boundary lines of HD 105 in [1108] this plan?

A. They are jagged, bizarrely shaped, and extend much, much farther outward than they used to.

Q. I would like to ask you some specific questions about the neighborhoods in and around Irving in this plan. I am going to pull up a document labeled United States Exhibit 299-A.

Does this map look familiar?

A. Yes.

Q. And can you tell us what it is?

A. It appears to be the 2011 State House district map for Dallas County and the eastern portion of Tarrant County.

Q. Does it look like a similar configuration of District 105 that you saw in a previous map?

A. Yes.

MS. McLEOD: Your Honors, I moved to admit United States Exhibit 299-A into evidence.

MR. FREDERICK: No objection, Your Honor.

JUDGE GARCIA: Admitted.

BY MS. McLEOD:

Q. Can you tell the Court, Mr. McPhail, where Irving ends and Grand Prairie begins?

A. The legal boundary is along Hunter Ferrell Road. The effective boundary between the two communities is along the west fork of the Trinity River.

Q. Okay. I am going to limit my questions to the Irving [1109] portion of District 105.

A. Okay.

Q. So we will start at the top of the district and then work our way down to the Trinity River. First I want to direct your attention to the area at the top of District 105.

A. Up here?

Q. The area just inside the district that runs from Loop 12 to Country Club Road.

A. Okay.

Q. And can you indicate where that area is for the Court?

A. Yes. It is right through here.

Q. And what precincts make up this area?

A. 4636, 4647, 4632, 4633, 4626, 4627, and 4628.

Q. How would you describe the ethnic makeup of this area?

A. This area is very white.

Q. And how would you describe the socioeconomics, the makeup of this area and the homes in this area?

A. Overwhelmingly, this is a wealthy community. The homes tend to be some of the nicest in Irving and the most desirable. When you -- these are typically slab foundations, at least three bedrooms, usually four. It is a very, very nice neighborhood.

Q. Are there any gated communities in this area?

A. Several, actually. This one, at the top of the Y in 4632 and this little southern -- 4636 is --

[1110] THE REPORTER: Hold on. If you will slow down a little bit. The southern --

THE WITNESS: This is Cottonwood Valley gated community. It is very wealthy, very white. Several celebrities live here. A lot of Dallas Cowboys. When Jessi~~c~~a Simpson and Tony Romo lived together, they lived here. Byron Nelson, the golf pro, lived here. In fact, right across MacArthur, at the Four Seasons Golf Resort, that is where – that is why Byron Nelson plays there, because he lives right across the street.

If you look up here, you will notice this is Windsor Ridge gated community. This is the enclave at Las Colinas. Fairway Vista. All of these overlook the golf course, the Four Seasons Golf Resort.

As you move across O'Connor, this empty space is the Las Colinas Country Club. This area is known as Fox Glen. There are actually deed restrictions built into the homes that actually face the golf course that if anybody gets killed by a flying golf ball, the country club does not have any liability. And this is a gated community called University Hills Estates.

Q. Thank you. I would like to stay at the top of District 105, but I want to move to an area that has been excluded from the district.

A. Okay.

[1111] Q. Do you see Precinct 4635 on this map?

A. Yes, I do.

Q. And can you indicate where that is for the Court? Can you tell me about the community that lives in Precinct 4635?

A. There is one very small housing subdivision, middle class houses, but overwhelmingly, most of the housing is large apartment complexes at the north end of the precinct along Meadow Creek Drive. These apartments are lower middle class, not affluent.

Q. What about the racial demographics of the community in those apartments?

A. Racially, they are largely not white. It is very mixed racially.

Q. Okay. And then can you tell us about the area just on the other side of MacArthur there inside District 105 that also runs along Meadow Creek Drive?

A. Yes. The same sort of apartments you see in 4635 are over here. All of these apartments are in the Carrollton-Farmers Branch School District, which has a higher rating than the Irving School District farther south. I've actually had many people tell me on the phone, when I am phone banking, they moved to these apartments solely because they wanted to get their children into the best schools they possibly could.

Q. Do you know any differences between the apartments that are in 4635 and the apartments that are in 4636?

[1112] A. Architecturally, demographically, socioeconomically, they are the same. The only difference is, these apartments are in a precinct with several gated communities. These are not. And these were excluded from House District -- the new House District 105.

Q. Let's move over to Precinct 4630.

A. Okay.

Q. Can you indicate where that is on the map?

A. Yes. It is right here.

Q. And can you tell the Court about the community that lives in Precinct 4630? And just -- I am sorry. Before you begin, is this precinct inside or outside of District 105?

A. Currently, it has been removed from House District 105.

Q. Okay. And can you tell the Court about the community that lives in this precinct?

A. Overwhelmingly, the housing in this area is apartments and they are lower income. The population is distinctly not white, a lot of African-Americans. This is one of the most African-American -- west of the Beltline, this is one of the most African-American communities in the city of Irving. It is -- this area, all of it was originally a freedmen's community founded in the 1850s, one of the oldest in Texas, called Bear Creek. A lot of African-Americans live here. These apartments were built starting in the late 1970s --

MR. FREDERICK: Your Honor, I am going to object to [1113] the narrative.

JUDGE GARCIA: I will sustain that. Go ahead.

BY MS. McLEOD:

Q. Can you tell me about the homes in 4630?

A. These are largely working class apartments.

Q. Okay.

JUDGE SMITH: Could you just -- I am just trying to orient myself. Could you point out like Loop 12 or 183?

THE WITNESS: That is not a problem, sir. 183 is down here.

JUDGE SMITH: Okay.

THE WITNESS: This is -- if you go up through here, this is Loop 12. It is also known as Walton Walker Boulevard.

JUDGE SMITH: Okay.

THE WITNESS: This is State Highway 114.

JUDGE SMITH: Okay.

THE WITNESS: And this is State Highway 161.

JUDGE SMITH: All right. Where is the University of Dallas?

THE WITNESS: The University of Dallas is on the eastern edge of the city right over in here.

JUDGE SMITH: All right. Right next to the old stadium?

THE WITNESS: Correct.

JUDGE SMITH: All right. Thank you.

[1114] BY MS. McLEOD:

Q. Can you tell us about the racial demographics of Precinct 4630?

A. 4630 is very -- largely a nonwhite precinct, very racially diverse, a lot of African-Americans.

Q. All right. And can you tell me, do you know how that African-American community came to live in Precinct 4630?

A. One factor is, there are a lot of Section 8 apartments in this area; as the Dallas Housing Authority settled a racial discrimination suit in the mid 1980s, they moved a lot of residents out of segregated public housing in south Dallas and gave them rental vouchers.

Many of them chose to move over to this area, in part because it was so African-American. As a result, the local elementary school and junior high serving this area, this precinct have the highest concentration of African-American students in the district.

Q. Thank you.

A. This is in the Irving Independent School District, by the way.

Q. All right. Now I would like to ask you some questions about the precincts that have been split between District 105 and neighboring District 103.

A. Uh-huh.

Q. So I want to direct your attention to west Irving, to the [1115] area along Irving Boulevard, that includes portions of Precincts 4610 and 4618.

Can you indicate where that area is in the report?

A. Right in -- excuse me. Right here.

Q. Thank you. And can you tell the Court about the racial demographics of the population that has been split out of Precincts 4610 and 4618?

A. These are very Hispanic neighborhoods.

Q. And can you tell me about the socioeconomics of the community living here?

A. Lower class to working class.

Q. And how would you describe the homes in this area?

A. Most of the housing is in the form of single-family homes. They are working class homes, a lot of two-bed, one-bath. Many of them have carports instead of garages. It is not uncommon to see pier-and-beam foundation, instead of a slab foundation. There are some apartments, particularly in 4610. This area, actually, has a -- oh, it is working class apartments.

Q. Now, are the single-family homes that you mentioned there, are they largely rental homes or owner-occupied?

A. Largely rental, nowadays.

(Change of reporters.)

--*-*-*-*-*-*-*

[1116] *****(Change of reporter.)*****

BY MS. McLEOD:

Q. How would you describe the businesses in this area?

A. There's a Home Depot, home improvement store at this little corner, and the apartments right along side there -- it -- frequently in the morning, when general contractors buy their supplies and leave, there are large crowds of Hispanic men standing in the front yards of the apartment complex waiting to get hired as day laborers.

The current mayor has previously called on the City to pass a vagrancy ordinance --

MR. FREDERICK: I'm going to object to this narrative.

JUDGE GARCIA: I'll sustain that.

Why don't you move on.

BY MS. McLEOD:

Q. The McClain -- McClinin (*phonetic*) Park Shopping Center also in this area?

A. Yes, it's down here at this intersection (*indicating*). Many of the stores there -- the large national chain stores have left. What you see now is locally owned stores. Many of them have Spanish names and Spanish language signs in the windows.

Q. All right. Thank you.

Let's continue down Urban Boulevard and discuss the precinct splits in 4611 and 4612. Can you indicate where that area is, please.

[1117] A. Yes. It's here, and up through here (*indicating*).

Q. Now, can you tell us about the racial demographics of a population that is -- that is -- that has been split out of Precincts 4611 and 4612.

A. And these are very Hispanic precincts.

Q. And what about socioeconomic makeup of this area?

A. Working class largely.

Q. What about the homes in this area?

A. The homes are working class to lower middle class homes. Some of them do have slab foundations and three-bedroom, two bath. Many of them though are still smaller, that many of them still have carports instead of garages and are still working-class homes, two bed, one bath.

Q. Okay. And can you tell me about the businesses here?

A. Especially along Urban Boulevard, these businesses are largely not national chain stores. You see a payday lenders, check cashing parlors, car title lenders, tattoo parlors, some Hispanic store-front churches with -- that are evangelical churches. No national chain stores to speak of.

Q. Let's move over to Precinct 4606 and 4607. Can you indicate the portion that has split out of Precinct 4606 and then Precinct 4607?

A. Okay. And this is 4606, and 4607 (*indicating*).

Q. And let's just start with 4606. Can you tell me about the racial demographics of that small sliver that's been split out?

[1118] A. It is a Hispanic neighborhood.

Q. And what about the socioeconomic makeup of this neighborhood?

A. Lower class to working class.

Q. And what about the homes in that area?

A. At the tip, there's a large apartment complex that is very rundown, not seen as a desirable place to live. The remaining streets have small cottages, two -- but largely two bed, one bath, carports, pier and beam foundations.

Q. And are those cottages rentals or owner occupied?

A. Disproportionately rental nowadays I would say.

Q. Now, what kind of businesses would you find in this area?

A. Along Urban Boulevard, a few national chain stores, if any, a lot of smaller family-owned stores, many of which have Spanish language names, Spanish language signs in the windows. You can see a lot of pawnshops, car dealerships -- used car dealerships, car repair shops, payday lenders, check cashing parlors, title lending stores, rent-a-tire stores, many of which explicitly appeal to a Hispanic clientele.

Q. And what about the racial demographic of Precinct 4607 that you indicated previously?

A. This is a largely, nowadays, Hispanic precinct.

Q. And what about the socioeconomics of the -- of the residents there?

A. Overall, I would say it's largely a working-class precinct.

[1119] Q. And the homes in this area?

A. Not seen -- largely, not seen as a desirable place to live. The homes in the western end tend to be -- there are quite a few working-class apartments, some smaller middle -- lower middle class homes. And towards the eastern end, you see more traditional cottages, again, two bed, one bath, carports, a lot of pier and beam foundations.

Q. Now, I would like to discuss the racial demographics of a population that's been split out of 4614 and 4615. Can you indicate that area for the Court.

A. Yes (*indicating*).

Q. And can you tell us about racial demographics of the population in there?

A. This is a very Hispanic neighborhood.

Q. And what about the socioeconomics of the community here?

A. Lower class to working class.

Q. And what about the homes -- what kind of homes would you see there?

A. These homes tend to be smaller, not very well kept, usually two bed, one bath, smaller homes, again, carports instead of garages.

Q. And what kind of businesses do you see in this area above Urban -- Urban Boulevard?

A. Above Urban Boulevard, along here you would see there's a shopping center on O'Connor towards Pioneer, a little bit [1120] farther south (*indicating*). This area is old mom-and-pop shops, car insurance shops that have Spanish language names. You – almost all of the stores have Spanish language signs in the windows and that sort of thing.

Q. And we're going to move over just a bit east to Precinct 4616 and 4620.

A. Okay.

Q. Can you indicate where those areas are for the Court?

A. Yes (*indicating*).

Q. And can you tell me about the racial demographics of the population splits out of these precincts?

A. These -- another very Hispanic area.

Q. And what at the socioeconomic makeup of this area?

A. Lower class to working class.

Q. And the homes, what kind of homes would you see here?

A. Smaller cottage-type homes for the most part, usually two bed, one bath. Some of the them do have garages, but they're just not desirable places to live.

Q. And what about the businesses, what kind of businesses would you find here?

A. Again, you can see no national chain stores. These are locally owned mom-and-pop shops. You see some supermarkets that are -- now have Spanish language names, Spanish language signs, Hispanic-oriented meat markets. You see, up on the highway, check cashing parlors, car lots, that sort of thing, [1121] and not really that much retail left in this part of town.

Q. Is there a railroad in this area?

A. Yes. This -- this actually is a railroad that goes all the way up. There is a tremendous amount of noise from the railroad going through here. And, actually, railroad track itself is at ground level, and the crossroads, like Union Bower, it's very difficult to get across at certain times of

day because the -- and you just can't because the train is parked there which makes it really difficult to get from one part of town to the other.

Q. Now, I would like to discuss Precinct 4608. Now, can you indicate the entire precinct?

A. (*Indicating*).

Q. Okay. Now can you indicate the portion that's been split out of Precinct 4608?

A. (*Indicating*).

Q. And can you tell us about the racial demographics of that portion?

A. That's a very Hispanic neighborhood.

Q. Okay. And what about the -- what kind of -- I'm sorry, the socioeconomics makeup of that community?

A. Working class.

Q. All right. And the homes there?

A. Not very nice. They tend to be smaller, close to one another. A lot of times these streets don't have sidewalks. [1122] It's just a working-class neighborhood.

Q. All right. And any businesses there?

A. Right along Loop 12 there are some. You see, like, a Motel 6, a Waffle House, a Whataburger, some check cashing parlors, a car stereo store.

Q. Okay.

A. No national chain stores really.

Q. Thank you.

Now, I want to discuss the portion of Precinct 4608 that remains in District 105, and I want to first discuss -- and we're just going to break it up in parts and talk about the portion of the precinct north of 183. Can you indicate where that is?

A. (*Indicating*).

Q. All right. And can you tell me -- can you tell the Court what is in this area?

A. This area is largely currently industrial property. This was the old Texas Stadium site until it was imploded about five years ago. This is a truck yard, a car dealership, this is some office parks.

Q. Has there been discussion about redevelopment in this area?

A. Yes, the city council has entered into negotiations with a developer to bring luxury, upscale condominiums, high-rise condominiums, and office towers to the Texas Stadium site, and they might include a professional tennis team to be played [1123] here. Now --

Q. And --

A. Oh, go ahead.

Q. Now, I want to talk about the portion that's south of 183. Can you tell the Court what's in this area?

A. Around in here you see a -- it's a real mix. You see some industrial properties, some offices. There are actually some very nice middle class homes through here, some of which are on rather large lots, pretty stone exteriors of the homes. Some of them have their own wells. They have

garages. They're on slab foundations. And, as you move farther to the east, this area (*indicating*) -- now it contains what's called Campion Trails. It's part of the Dallas County Trail System, which leads in from Valley Ranch and Las Colinas up north, now, very recently, through here (*indicating*).

As you go down to this end, this is Trinity View Park. It's actually on both sides of Urban Boulevard, which runs along here (*indicating*). There's a lot of athletic fields for soccer, football, and which this park was -- used to be viewed as being kind of a dump because it was so far off from the rest of the city. Now that it's linked to Campion Trails, which have paved bike lanes where you can ride bicycles, jog, roller blade, skateboard, ride horses. It's now -- now actually being looked at in a much more favorable way --

JUDGE GARCIA: In any event, ask another question.

[1124] MR. McLEOD: All right. Let's move over to Precinct 4603 and can you indicate what 4603 is?

A. Yes (*indicating*).

Q. And can you discuss the racial demographics of the portions that have been split out of Precinct 4603?

A. This is a very Hispanic area.

Q. And can you tell us about the homes in this area?

A. Very few single-family homes are right on the southern edge of Shady Grove. There are some along River View Drive, some very rundown apartments.

Q. All right. And what about the socioeconomics of this area?

A. This is a poor precinct.

Q. Now, what about the -- the -- the other area, the second area of 4603?

A. This area here (*indicating*).

Q. I'm sorry. 4604. I'm sorry. Can you indicate what 4604 is?

A. 4604 is right through here (*indicating*).

Q. Okay. Now, can you discuss the areas that have been split out of Precinct 4604?

A. No, this was split out of 4602 actually --

Q. I'm sorry. 4602. Thank you.

A. The other part of 4602 that was split out was split out up here (*indicating*). This part is largely floodplain along the Trinity River. There is a -- in the last several years there [1125] has been some redevelopment through here. This is the one street with middle-class houses on it (*indicating*). The people -- they are slab foundations, three – three bed, two bath --

Q. Okay.

A. -- that sort of thing.

Q. Thank you.

Are there any businesses in this area?

A. No, not yet anyway.

Q. Now, I want to discuss Precinct 4601. Can you indicate

where that is for the Court?

A. 4601 is here (*indicating*).

Q. Okay. Now, how would you describe the racial demographics of the portion of 4601 that remains in the district?

A. This is largely white. It's becoming more Hispanic, but it is still pretty white.

Q. Okay. And how would you describe the homes here?

A. Very nice. This is solidly middle-class precinct, three bed, two bath. I don't think there are any homes that are actually on pier and beam foundations. Here they all have garages. This is Lake Vilbig, a man-made lake that was built in the 1980s. There's some very nice upper middle-class homes along through here (*indicating*).

Q. All right. And how would you describe the businesses, if any, in this area?

[1126] A. Along this area, mostly along Story and Shady Grove, some shopping centers. The stores, almost exclusively, have names in English. The signs in the windows are printed in English. You see no Hispanic-oriented meat market or supermarkets, that sort of thing.

Q. Now, can you indicate the portion of this precinct that has been split out for the Court?

A. Right here (*indicating*).

MS. McLEOD: And if we could zoom in, Tim, please, pull out 200. Okay. And then just move the map a little more.

Thank you.

BY McLEOD:

Q. Can you indicate again, Mr. McPhail.

A. Right through here (*indicating*).

Q. And can you tell us where -- about the racial demographics of the communities living in that --

A. It's highly --

Q. -- precinct --

A. -- Hispanic.

Q. And what about the homes there?

A. This si actually a -- one manufactured home park.

Q. Okay. And any businesses in this area?

A. No, it's just a park itself.

Q. All right. Thank you, Mr. McPhail. That's all the questions I have. I pass the witness.

[1127] MR. FREDERICK: May it please the Court.

CROSS-EXAMINATION

BY MR. FREDERICK:

Q. Good morning, Mr. McPhail.

A. Good morning.

Q. My name is Matthew Frederick I represent the State defendants in this case. I have just a few questions for you.

First, you are currently a member of the State Democratic Executive Committee; is that correct?

A. That is correct.

Q. And, specifically, you're the Male State Democratic Executive Committee Member for Senate District 9 --

A. That is --

Q. -- is that correct?

A. -- correct.

Q. So it's accurate to say then that you were part of the leadership of the Texas Democratic Party; correct?

A. I suppose.

Q. Okay. And you're currently running for reelection; is that right?

A. No, I was reelected last June at the convention.

Q. Oh, congratulations.

A. Thank you.

Q. Now, is it true on your -- you had reelection Facebook page on the internet; is that --

[1128] A. That's true.

Q. -- correct?

And on that page you had a quote that said, I pledge to continue our efforts to strengthen the Texas Democratic Party to win in 2014, 2016; do you recall that?

A. Yes.

Q. You're also Precinct Chair to Dallas County Democratic Party; is that right?

A. That is true.

Q. And, obviously, you've been asked to testify in this case by the Department of Justice; right?

A. Yes.

Q. Let's talk a little bit about the 2011 House Redistricting Plan. You don't have any information about the enactment, development, or history of the 2011 House Redistricting Plan. You only have information about the effect of the plan is that --

A. Yes.

Q. -- right?

And any knowledge about the effect of the plan is limited to Dallas County; right?

A. By and large, yes.

Q. You don't have any information about the methods that were used to create the 2011 House Plan; do you?

A. That is correct.

[1129] Q. Okay. And because you don't have any information about the enactment, development, or history of the 2011 House Redistricting Plan, you can't say who was involved in drawing the boundaries of any of the districts you have been talking about, 103, 104, or 105 --

A. That's correct.

Q. -- can you?

And you don't know why any member of the legislature voted for the 2011 House Plan, but you think the Republicans wanted to have as many house seats as they could; right?

A. Yes.

Q. And as someone in the State Democratic Party leadership who has pledged to strengthen the Texas Democratic Party to win in 2014 and 2016, you have a vested interest in creating more Democratic house districts in Dallas County; don't you?

A. I have a vested interest in making sure African Americans and Hispanics can vote fairly in fairly drawn districts. The party that benefits is the party that benefits.

Q. I appreciate that.

My question is: You have a vested interest in creating more Democratic house districts in Dallas County, don't you, because you're a member of the state party leadership?

A. I would like to see more districts created for the party, yes.

Q. Thank you.

[1130] MR. FREDERICK: No further questions.

JUDGE GARCIA: Anything else?

MS. McLEOD: No.

JUDGE GARCIA: Okay. Thank you, sir. You're excused.

THE WITNESS: Thank you.

(Witness excused.)

TEXAS HOUSE OF REPRESENTATIVES
PUBLIC HEARING
COMMITTEE: REDISTRICTING, SELECT
WEDNESDAY, JUNE 12, 2013
UNIVERSITY OF HOUSTON
Michael J. Cemo Hall, Room 100D
4800 Calhoun Road
Houston, Texas 77004

* * *

[6] argument for identifying the deficiency and how to fix it.

Today we will be hearing all bills that have been referred to this select Committee.

I would like to welcome Mr. Jeff Archer with the Legislative Council, who is a resource witness.

Jeff, would you please come forward and indicate to the Committee the resources that will be available through the Legislative Council.

REPRESENTATIVE THOMPSON: Mr. Chairman, will he be able to offer what the Supreme Court's rulings were and the other courts' were germane to our task on this Committee?

REPRESENTATIVE DARBY: Will Jeff be able to do that?

REPRESENTATIVE THOMPSON: Yes.

MR. ARCHER: I can give a little context, I guess.

REPRESENTATIVE DARBY: Go ahead, Jeff.

MR. ARCHER: A quorum is present, obviously.

My name is Jeff Archer. I'm chief legislative counsel at the Texas Legislative Council. This is the third decade I have been involved in redistricting to one extent or another.

And I'm happy to take any questions. I'm [7] not prepared to discuss the validity of anybody's plan or the legal ramifications in public. Be glad to talk to anybody confidentially. We have to be concerned about waiving any privileges of the Committee and individual members but I will be glad to discuss any procedural or related developments.

As you know, I won't belabor it but the Council provides the computer support in your offices and we provide statistical analyses, multiple reports, both election and voter data, as well as census and census related data, citizenship data and so on.

And if anybody has any concerns or needs any special services in the next 48 hours to make your deadline, let us know.

I'm getting a little feedback here.

How we got where we are, I think very briefly just to sort of provide some background both for -- for witnesses and attendees and for our collective consciousness, the Legislature drew plans following the release of the census in 2011, House, Senate and Congressional plans.

As is often the cases, multiple challenges were filed in Federal Courts around the State of Texas. Those ended up consolidating in a single case for each of the plans in

the Western District of Texas in San [8] Antonio, and we'll call that the San Antonio court.

The challenges there include constitutional challenges. In some cases, some of those challenges are very minute, related to how prisoners were counted and some one person, one vote issues but the predominant challenges were under the federal Voting Rights Act Section 2, which prohibits minority vote dilution, and under the 14th and 15th amendments, which prohibit insidious or intentional discrimination that affects the right to vote.

So, the Court took evidence, took depositions, took evidence, had some hearings on – I think most but not all of the evidence has been, I think, as far as the Court is concerned, regarding those enacted plans. Trials were held in the fall of 2011.

In the meantime, because Texas is covered by Section 5 of the Voting Rights Act, the plans that the Legislature enacted were not legally effective. They could not be put into effect without preclearance from either the Department of Justice Voting Rights Section or the DC Court in Washington, which is required by Section 5.

That put the Federal Court in San Antonio in a quandary because the filing deadline for candidacy is in December and time is of the essence.

[9] The State of Texas, through its Attorney General, submitted and filed preclearance actions in the DC Court in Washington and, of course, those cases were far from being resolved to final, so that we had essentially unprecleared, unenforceable legislatively enacted plans.

So, the San Antonio Court, in an effort to carry out the 2012 elections under a plan of some sort, following various precedence as they interpreted them, independently drew congressional legislative redistricting plans, three plans for the House, Senate and Congressional delegation based on traditional redistricting principles and general principles of Texas practice, such as the county line rule, which in the House of Representatives and the state Constitution says you split counties only as strictly necessary to even out populations.

So, given that background, the Court drew three plans. They heard the evidence in the case. They drew three plans, attempting to address the most serious voting rights issues. They had not made final determinations. They hadn't fully analyzed all the evidence. I don't know that all the rounds of briefing were even in but with respect to moving forward on an interim temporary plan, the Court drew plans in, I [10] believe, December of that year.

The Texas Attorney General took issue with those plans and made a direct appeal to the U.S. Supreme Court regarding the interim plans under the theory that they did not give deference to the enacted plans sufficiently.

The case law was a little unsettled on this particular issue. You had some cases, including the Supreme Court precedent, that indicated the parts of the plan that weren't precleared could not be put into effect but the facts of those cases were -- for example, an older Texas case which the plan had received a specific objection for one location but the rest of the plan the Justice Department had approved by not objecting. They couldn't put the whole plan into effect but at least the Court in that

case knew that part of the plan was not precleared and couldn't give it any deference.

So, the District Court in San Antonio made a best guess as to what the law was with respect to unprecleared plans, and the Supreme Court said they erred by not giving sufficient deference to the legislatively enacted plans.

So, in February of 2012, the Supreme Court issued an opinion directed to the Court in San Antonio, [11] asking it to go back to the drawing board, in other words, and balance the legislatively enacted plans with the legal requirements of the Voting Rights Act.

And that's a little bit tricky because the Court had not made final determinations, as I said, had not made fact findings on every issue, had not thoroughly analyzed all the evidence but they had to make some best case guesses based on the direction that the U.S. Supreme Court gave them.

So, they had to look at the likelihood of success of the plaintiffs challenging the plans on Voting Rights Act grounds and also consider generally what parts of the plan would preclear.

And the Court gave them essentially -- I would call it a balancing test between the legislatively enacted plans and remedying voting rights violations that were -- had some likelihood of success.

And so, the Court drew a second plan in which -- an example, from the House of Representatives, I believe about 122 districts were the same as in the legislative plans.

So, they started with the legislatively enacted plans in all three cases and addressed voting rights violations again on an interim and impromptu basis almost, as if to say this is the best we can do [12] now. We haven't got to the bottom of things.

And I'll get quote from the Court's opinion. This is the District Court when they put their plans together following the Supreme Court directive. They said:· This is not a final ruling.· These are preliminary determinations on the merits of Section 2. We're only looking at preclearance claims that are, quote, not insubstantial. In other words, they disclaimed making final determinations under the Voting Rights Act claims that the plaintiffs had brought.

And they said these are difficult and unsettled legal issues, there are numerous factual disputes and essentially made it explicitly clear that this was an interim plan to address basically first impression of voting rights issues.

And as you know, the elections were postponed, held in the summer of 2012, and those plans currently in effect because of the Court order and the bills that have been filed, Senate and House Bills 1, 2, 3 and 4, propose the Legislature adopting those second round of Court ordered plans that the Court put into effect for the 2012 elections. So, that's how we got where we are today.

REPRESENTATIVE DARBY: Members, any questions?

[13] REPRESENTATIVE VILLALBA: I have a few questions.

REPRESENTATIVE DARBY: Representative Villalba.

REPRESENTATIVE VILLALBA: Thank you, Jeff, for your testimony. That's very helpful.

In the very first meeting we had, I had asked a number of questions around that, and that was the synopsis I was looking for and the timing.

A couple of things I want to address just quickly and to hear from you. You looked to the – talking about the interim plan as an interim plan, the Court said this was an interim plan, it's not final. What additional information will a Court need, it could be that Court or another Court, enable to find what they need to get to a final plan? What more do they need?

MR. ARCHER: That's an excellent question. I can give you some examples, I think, as a way of being helpful.

When the Court said there are unsettled legal issues, I think that means they did not feel they had had time to research and make determinations on some of the issues, such as when is a coalition of minority voters protected creating a protected district or a district that the Legislature is required to consider [14] under the Voting Rights Act given voting behavior and populations and other variables, such as block voting by other voters, particularly Anglo voters in the vicinity, making those determinations as very specific fact finding region by region, looking at reports that expert witnesses have submitted, fairly extensive, and battling expert testimony.

And to make the fact finding you've got to make, you really need to talk about it amongst yourselves, have your

briefing staff be in very confident ground because you're subject to an appeal and you don't want to get it wrong. Those are difficult fact finding determinations as well -- excuse me -- as somewhat uncertain legal determinations.

The Fifth Circuit --

REPRESENTATIVE MARTINEZ FISCHER: I want to follow up on that point.

Jeff, couldn't it also be that at the time that the District Court in San Antonio drew an interim plan, they did not have a ruling of the District Court of the District of Columbia and, in fact, the trial perhaps had not even been concluded?

MR. ARCHER: Absolutely. Obviously, the other large factor is if the -- if the District Court for the District of Columbia in the Section 5 [15] preclearance litigation were to uphold or object to the limited parts of the district, that may change the ultimate determination.

REPRESENTATIVE MARTINEZ FISCHER: Isn't it true on this particular point -- and then I'll give it back to Representative Villalba but on this particular point, the District Court in San Antonio was not allowed, in fact, they were prohibited from making Section 5 determinations because the exclusive jurisdiction that was going to make those determinations was the Department of Justice or the District Court for the District of Columbia? That's also true?

MR. ARCHER: That's correct. And I think the Supreme Court put them in a tough place because they cited the laws that the Court case was stating. District Courts don't

have any jurisdiction to make Section 5 determinations and yet they told them to consider Section 5.

REPRESENTATIVE MARTINEZ FISCHER:· I'm sorry, you actually begged another question.· That's not the imposition of the District Court in San Antonio, that was the direction of the choice of litigation because bear in mind, very few pre -- very few coverage issues sue the United States of America. Most of them preclear through the DOJ.· So, in fact, I believe this was one of [16] the rare instances where there was a challenge by way of declaratory judgment, which, in fact, made this case a much longer situation, would you concede that?

MR. ARCHER: I think that's a fair comment.

REPRESENTATIVE MARTINEZ FISCHER: Thank you.

REPRESENTATIVE VILLALBA: One of the questions that has come up over and over in our testimony is if we adopt interim plans in their current state, and now you've described for us that at least the Court perceives there's additional work to be done, what is essentially the effect of doing that?

As a body, we adopt interim plans and, therefore, we give this plan the imprimatur of the people, right?· We're the people's House and the Legislature will act and speak.· If we do that and adopt these and, again, just hypothetically without any change whatsoever, it sounds to me like there's going to be at least a delta between where the interim maps are and what needs to be completed work-wise and fact finding-wise to get them to where they would be in consonance with the existing

holdings of the Supreme Court or the District Court. So, what is the legal effect or impact of doing that?

Do we -- since we -- if we did that as a body, are we blessing those and somehow by having done [17] that, are we advancing the ball or is there still work to be done?

MR. ARCHER: Well, I'll start saying that opinions differ greatly on that, particularly that the -- the parties to the litigation and proponents and opponents of various elements of the plans.

I think it's clear that legislative enactment of the plan gives it imprimatur of state law, and as a purely legal matter, what that does -- remember in redistricting and other policy areas, the federal courts don't really want to be in the position of deciding how the school system is run or those kinds of things. They don't really want to be in a position of drawing representative districts.

And so, by enacting this plan or any other plan, to some extent, the Court will give greater deference to the elements of that plan than perhaps it would give to its own plan.

That doesn't mean that the parts of the plan that it ultimately finds deficient are any better because the Legislature adopted them. It does two things and I think in an obvious sense. It puts some of the issues behind the state, that is, the districts that the Court found were likely to be violations of Section 2 and, therefore, redrew, that issue is off the table. [18] No more evidence is necessary for -- necessarily for those issues. You're starting from a different place.

But with respect to all the unaddressed issues and second guessing the Court's own determinations, you have -- you haven't removed legal challenges to any of the plan on a -- on a realistic level, that is --

REPRESENTATIVE VILLALBA: Let me qualify my hypothetical. So, if we each were to adopt the interim maps with changes, that would at least address the concerns expressed by the Court in their opinions, while I recognize that that doesn't, of course, eliminate any particular challenge, you might -- and this is a question for you -- will it insulate or inoculate the maps from -- from concerns that they are not somehow adequate to -- to meet constitutional standards?

MR. ARCHER: I don't -- I don't -- I think in no way would it inoculate the plans. What it would do is give the Court a new baseline from which to work if it makes additional remedial changes, that the issues that have been resolved in the map and that the parties to the case don't make stronger cases or argue are still violations are going to stay in place because the deference that's shown but I don't think it prevents anybody in the case or any subsequent litigant because [19] once you have new districts, the Court is more likely, I assume, to accept intervenors who are raising additional issues based on a new map. I'm not sure there's anybody left to intervene but to the extent that there's a citizen group or an effected citizen who can make a good case.

But I think that challenges to both the Court drawn fixes as well as to the background districts that were not changed in any of the plans will go forward, and the Court, I think, is going to have a tricky job balancing psychologically, if nothing else, its own work. To judge

your own work is difficult. Courts do it all the time. On a remand, they do it all the time. They've already done it once in this case. So, they will be faced with the same thing, that the parties to the case will continue to press issues that the Court took a tab at perhaps but didn't fix.

REPRESENTATIVE VILLALBA: Thank you.

REPRESENTATIVE DARBY: Representatives, any other questions?

The Chair will recognize that Representative Keffer is now present.

The Chair will also recognize that Representative Alma Allen is with us this afternoon.

And Representative Harold Dutton behind me.

* * *

[200] STATE OF TEXAS *
COUNTY OF HARRIS *

I, the undersigned certified shorthand reporter and notary public in and for the State of Texas, certify that the facts stated in the foregoing pages are true and correct.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this hearing was taken and, further, that I am not a relative or employee of any counsel employed by the parties hereto, or financially interested in the action.

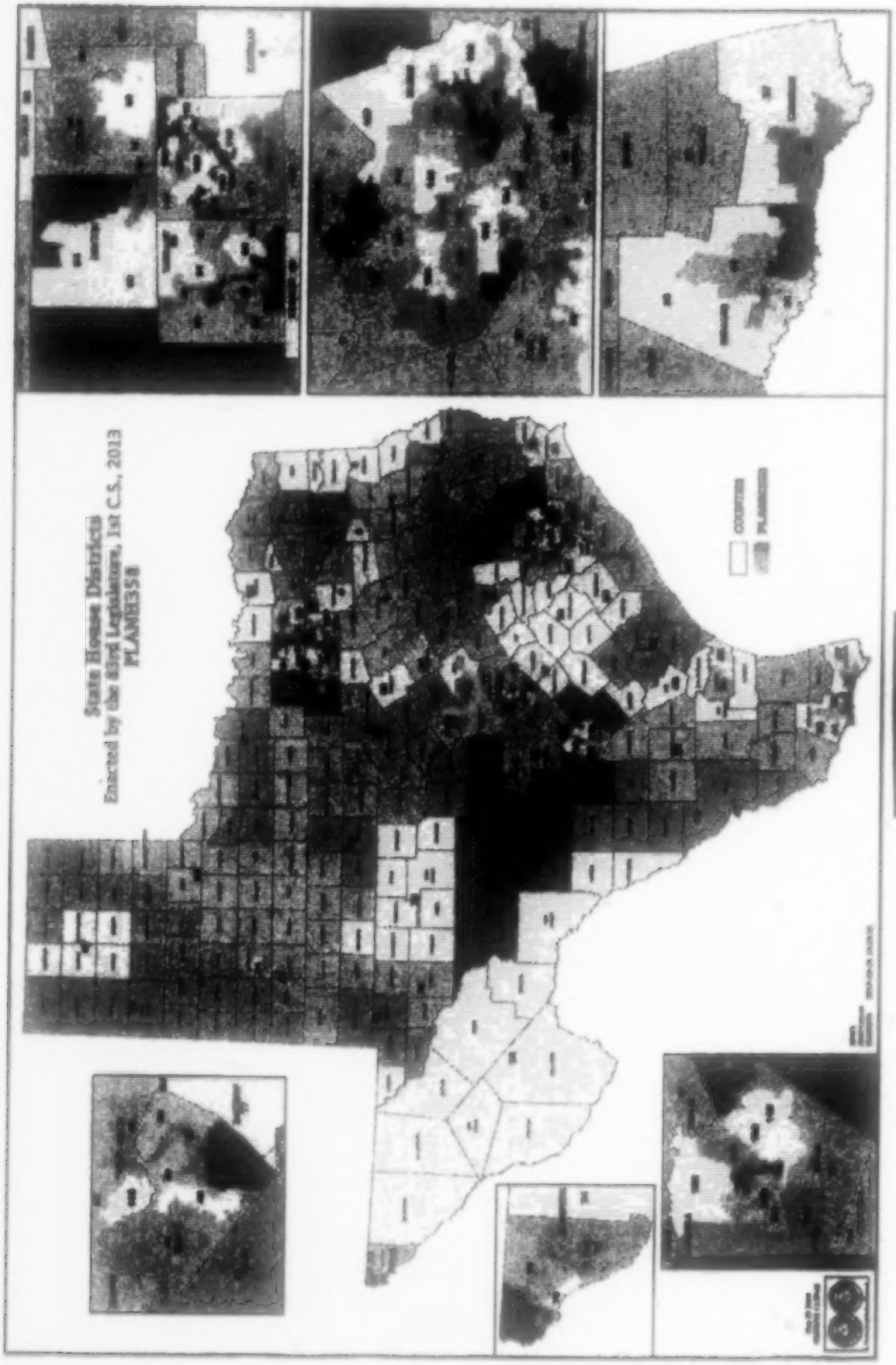
SUBSCRIBED AND SWORN TO under my hand and seal of office on this the 14th day of June, 2013.

[redacted]

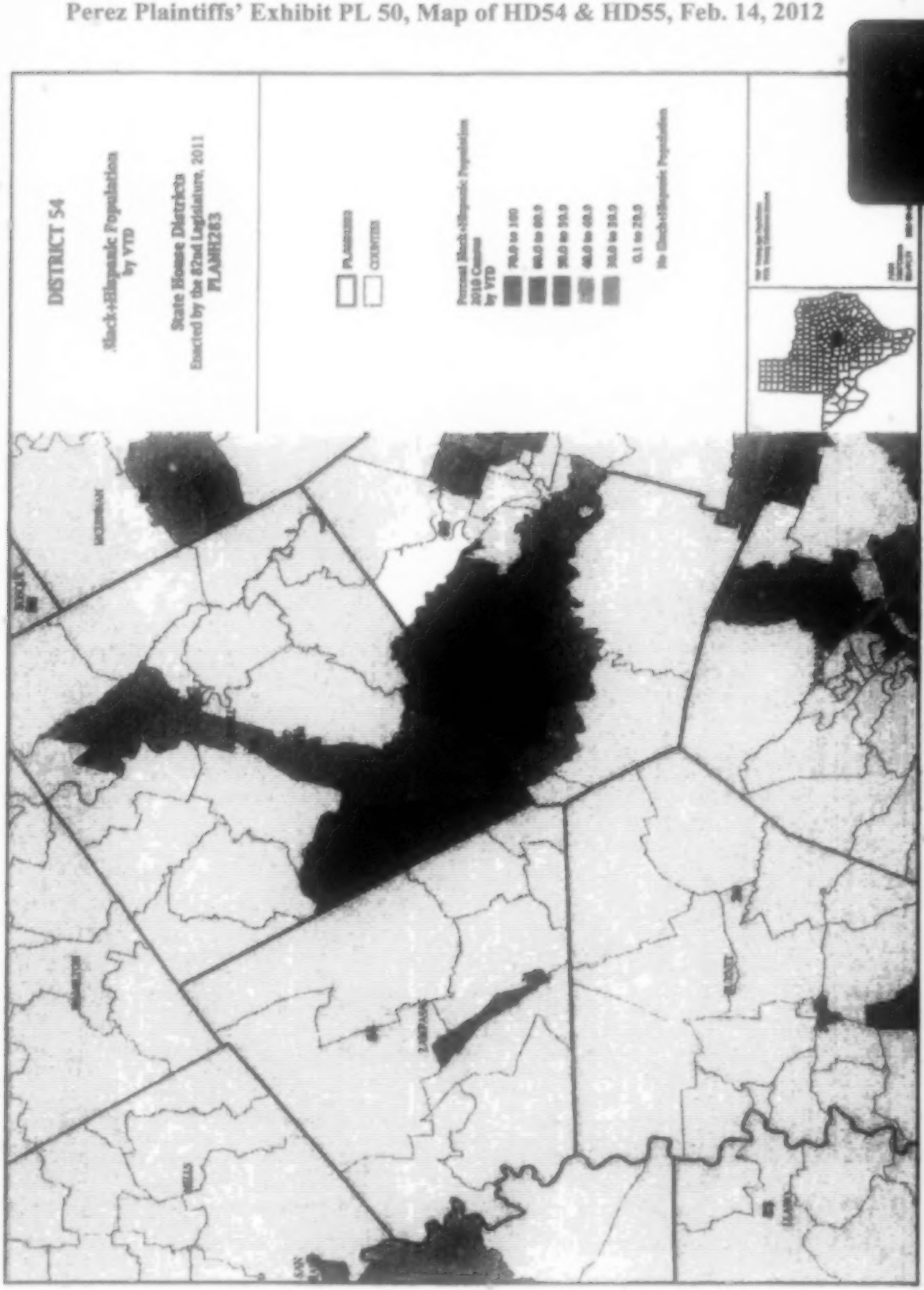
EDITH A. BOGGS, CSR
Certified Shorthand Reporter and
Notary Public in and for
the State of Texas

Notary Expires:· 5-10-2016
Certificate No. 3022
Expiration date:· 12-31-2013
Esquire Deposition Solutions, LLC
Registration No.

Statewide Map, Plan H358, JX-106.1

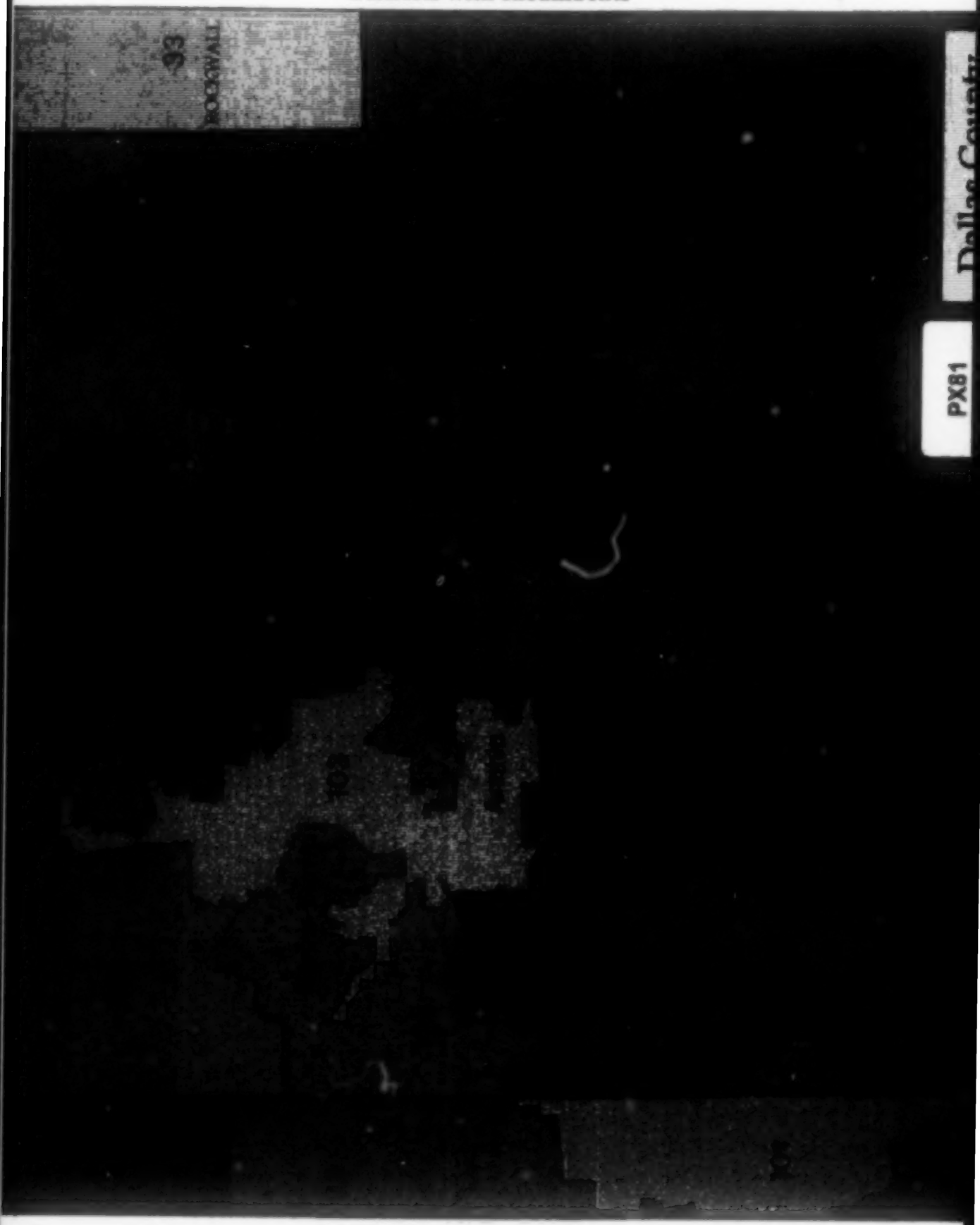


Perez Plaintiffs' Exhibit PL 50, Map of HD54 & HD55, Feb. 14, 2012



NAACP Exhibit 29, Map of HD54 & HD55, Plan H358

Defendants' Exhibit D-150, Map of Dallas County State-House Districts with Incumbents

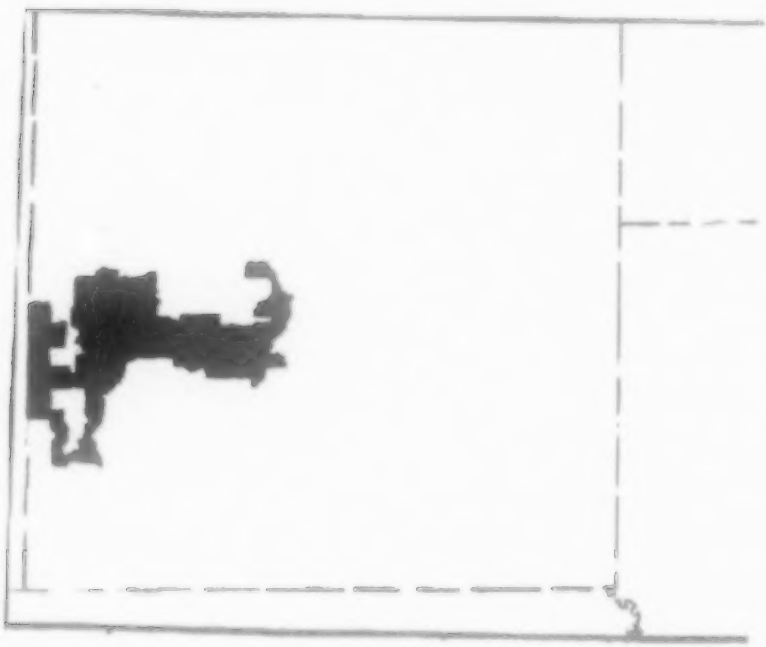


MALC EXHIBITS 41-42, MAPS OF HD104, HD105

PLAINTIFF MEXICAN AMERICAN LEGISLATIVE CAUCUS (MALC) EXHIBIT LIST

41. Figure: Packing of Latino population, District 104

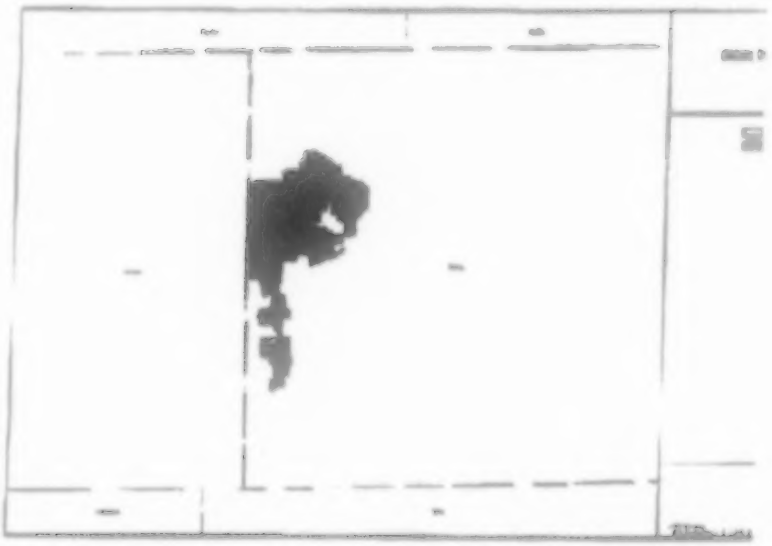
Figure 10: Packing Latinos into One District, Minimizing them in Another in Dallas
A. State House District 104



PLAINTIFF MEXICAN AMERICAN LEGISLATIVE CAUCUS (MALC) EXHIBIT LIST

42. Figure: District 105 missing sliver

Figure 10 B: District 105, the Missing Sliver in District 104



RODRIGUEZ EXHIBIT 912, REPORT OF STEPHEN ANSOLABEHERE, FEB. 26, 2014

EXPERT REPORT

STEPHEN ANSOLABEHERE

February 26, 2014

I. Statement of Inquiry

1. I have been asked to examine minority representation in the Congressional Districts in the State of Texas under Plans C100, C220, and C235. I have been asked to examine racial composition of districts, especially Citizen Voting Age Population, and voting patterns in districts, especially the degree of racial group cohesion and polarization. I have been asked to examine the configuration of and voting in districts in the South and Southwest parts of the state. I have also been asked to examine the division of Travis County under Plans C235 and C100 and the division of Plan C100's CD 25.

II. Background and Qualifications

2. I am a professor of Government in the Department of Government at Harvard University in Cambridge, MA. Formerly, I was an Assistant Professor at the University of California, Los Angeles, and I was Professor of Political Science at the Massachusetts Institute of Technology, where I held the Elting R. Morison Chair and served as Associate Head of the Department of Political Science.

I directed the Caltech/MIT Voting Technology Project from its inception in 2000 through 2004, am the Principal Investigator of the Cooperative Congressional Election Study, a survey research consortium of over 250 faculty and student researchers at more than 50 universities, and serve on the Board of Overseers of the American National Election Study. I am a consultant to CBS News' Election Night Decision Desk. I am a member of the American Academy of Arts and Sciences (inducted in 2007).

3. I have worked as a consultant to the Brennan Center in the case of *McConnell v. FEC*, 540 US 93 (2003). I have testified before the U.S. Senate Committee on Rules, the U.S. Senate Committee on Commerce, the U.S. House Committee on Science, Space, and Technology, the U.S. House Committee on House Administration, and the Congressional Black Caucus on matters of election administration in the United States. I filed an amicus brief with Professors Nathaniel Persily and Charles Stewart on behalf of neither party to the U.S. Supreme Court in the case of *Northwest Austin Municipal Utility District Number One v. Holder*, 557 US 193 (2009). I am consultant for the Rodriguez plaintiffs in *Perez v. Perry*, currently before the District Court in the Western District of Texas (No. 5:11-cv-00360 W. D. Tex), and the Gonzales intervenors in *State of Texas v. United States* before the Federal District Court in the District of Columbia (No. 1:11-cv-01303); I consulted for the Department of Justice in *State of Texas v. Holder*, before the Federal District Court in the District of Columbia (No. 1:12-cv-00128); I consulted for the Guy plaintiffs in *Guy v. Miller* in Nevada District Court (No. 11-OC-00042-18, Nev. Dist. Ct., Carson City);

I consulted for the Florida Democratic Party in *In re Senate joint Resolution of Legislative Apportionment* in the Florida Supreme Court (Nos. 2012-CA-412, 2012- CA-490); I am consultant for the Romo plaintiffs in *Romo v. Detzner* in the Circuit Court of the Second Judicial Circuit in Florida (No. 2012 CA 412); I am consultant for the San Antonio Water District intervenor in *League of United Latin American Citizens v. Edwards Aquifer Authority* (No. 5:12cv620-QLG, Federal District Court for the Western District of Texas, San Antonio Division); I am consultant for the Harris plaintiffs in *Harris v. McCrory* in U.S. Federal District Court in North Carolina Middle District (No. 1:2013cv00949).

4. My areas of expertise include American government, with particular expertise in electoral politics, representation, and public opinion, as well as statistical methods in social sciences. I am author of numerous scholarly works on voting behavior and elections, the application of statistical methods in social sciences, legislative politics and representation, and distributive politics. This scholarship includes articles in such academic journals as the *Journal of the Royal Statistical Society. the American Political Science Review, the American Economic Review, the American Journal of Political Science, Legislative Studies Quarterly, the Quarterly Journal of Political Science, Electoral Studies*, and *Political Analysis*. I have published articles on issues of election law in the *Harvard Law Review, Texas Law Review, Columbia Law Review, New York University Annual Survey of Law*, and the *Election Law Journal*, for which I am a member of the editorial board. I have coauthored three scholarly

books on electoral politics in the United States, *The End of Inequality: Baker v. Carr and the Transformation of American Politics*, Going Negative: How Political Advertising Shrinks and Polarizes the Electorate, and The Media Game: American Politics in the Media Age. I am coauthor with Ted Lowi, Ben Ginsberg, and Ken Shepsle of *American Government: Power and Purpose.* My curriculum vita with publications list is attached to this report.

5. I have been hired by the Rodriguez Plaintiffs in this case. I am retained for a rate of $400 per hour, which is my standard consulting rate.

III. Data and Sources

6. Data on population and voting in the Voting Tabulation Districts (VTD) and Congressional Districts (CD) come from the redistricting website of the Texas Legislative Council. (http://www.tlc.state.tx.us/redist/redist.html)

7. Data on Citizen Voting Age Population (CVAP) for 2008 and 2010 come from the American Community Survey (ACS). Specifically, I rely on the 5-year average of the ACS from 2006-2010 for estimates of the CVAP for 2008 and the 5-year average of the ACS from 2008-2012 for estimates of the CVAP for 2010. The CVAP for 2000 come from the Census Enumeration Long-Form Survey from 2000, which is no longer used. (http: //www.census.gov / population/www /cen2000 /briefs/phct31/index.html)

8. One question regarding the ACS is whether its estimates of population align with the Census' official enumeration.

The ACS is a survey of approximately 3 million persons nationwide conducted each year by the Census Bureau. In the case in *Perez v. Perry* in the Federal District Court in the Western District of Texas, I filed a Response to Professor Rives Rebuttal Report on the Use of the American Community Survey and Estimates of the Citizen Voting Age Population (Document 272-1 submitted August 31, 2011). The 2005-2009 ACS estimated too little population and Voting Age Population (VAP) compared with the Census Enumeration, which raised questions about the CVAP estimates. The gist of my response report was that the discrepancies between the 2010 enumeration and the ACS 2005-2009 CVAP data, which were used to evaluate districting maps in Texas, was mostly a function of time trend. (See, e.g., page 5 of my response report.)

9. The ACS 2008-2012 provides very good estimates of population and VAP. The ACS estimates the total population of Texas to be 25,208,895 and the VAP of Texas to be 18,359,570, compared with the Census enumeration count of 25,145,561 total population and 18,279,738 VAP. The population and VAP figures for the State differ by a trivial amount-63,334 total population difference and 79,832 VAP difference. These discrepancies amount to differences of two tenths of one percent for total population and four tenths of one percent for VAP. Differences of this magnitude will not affect any inferences drawn about the composition of the districts.

IV. Findings

A. Overview

10. This report provides information about the racial composition of CDs and racial voting patterns in the State of Texas. The report provides updated information on CVAP for the State, for specific Counties and for all CDs under Plans C100, C220, and C235 using ACS 2008-2012. (See Section IV Band Table 5.)

11. It is possible, with a reasonable degree of effort, to create more minority opportunity congressional districts in the State of Texas than were created in Plan C235. Overall, there were 11 minority opportunity districts under Plan C100, and there are 11 or 12 minority opportunity districts under Plan C235, depending on the classification of CD 23. Plan C220 demonstrates that it was possible to draw at least 13 districts in which minorities can elect their preferred candidates. Plan C220 is a reasonable demonstration map. It was drawn by the Federal District Court in the Western District of Texas in the case of *Perez v. Perry* following traditional districting principles and practices. (See Section C.)

12. A specific focus of this report is on the population, voting patterns, and number of minority opportunity districts in the South and Southwest portions of the state. This region stretches from El Paso in the West to San Antonio and Austin in the South Central part of the State, to Corpus Christi and to Cameron County on the southern tip of Texas. In this region of the State, it is

possible to create at least one more minority opportunity district than was created under Plan C235. The report shows this two ways. First, that fact is demonstrated using Plan C220, a map drawn by the Federal District Court in the Western District of Texas in the case of *Perez v. Perry*. This map was drawn in accordance with traditional districting principles by the Federal District Court. That Plan has at least one more minority opportunity CD than C235. Second, this is shown with reference to populations of VTDs in Majority HCVAP CDs under Plans C100 and C235. (See Section D.)

13. This report shows that that CD 25 in C100 was a minority opportunity district owing to the high rate of cross over vote among Whites and the cohesion of minority voters in this area. (See Section E, especially part 5.)

14. This report shows that the division of Travis County and of Plan C100's CD 25 followed racial lines more strongly than other lines. In particular race is a stronger predictor than party vote of which VTDs in Travis (or in Plan C100's CD 25) are placed in specific CDs under C235. (See Section F.)

B. Population Growth

1. State of Texas

15. The population of the State of Texas grew from 20,851,820 persons in 2000 to 25,145,561 persons in 2010. The additional 4,293,741 persons qualified Texas for four additional Congressional Districts for the decade 2011 to 2020.

16. Most of the growth in total persons, total persons of voting age, and total number of citizens of voting age occurred among racial or ethnic minorities. Table 1 provides figures on population growth in the State of Texas from 2000 to 2010.

17. The number of Hispanics increased by 2,791,255, from 6,669,666 to 9,460,921. As a percent of the total population of Texas, Hispanics increased from 32.0% to 37.6% of all persons in Texas between 2000 and 2010.

18. The number of Blacks (Black non-Hispanic) increased by 582,639, from 2,493,057 to 3,075,696. As a percent of the total population of Texas, Blacks increased from 12.0 to 12.2% of all persons in the State of Texas from 2000 to 2010.

19. The number of Whites (White Alone) increased by 464,032, from 10,933,313 to 11,397,345. As a percent of the total population of Texas, Whites decreased from 52.4% to 45.3% of all people in the State of Texas from 2000 to 2010.

20. Of the 4.3 million persons added to the population of Texas from 2000 to 2010, 78.6 percent were Hispanic or Black and 10.8 percent were White.

21. Texas added 2,591,265 Citizens of Voting Age (CVAP) from 2000 to 2010. In calculating CVAP I use the 2008-2012 estimate of the CVAP from the American Community Survey conducted by the United States Census Bureau, as provided by the Texas Legislative Council and figures made available through the Census website

(http:// www.census.govjrdojdatajvoting_age_population_by_citizenship_and_race_cvap.html).

22. The number of Hispanic Citizens of Voting Age (HCVAP) increased by 1,236,607, from 2,972,988 to 4209,595. As a percent of all Citizens of Voting Age in the State of Texas, Hispanics increased from 22.3% to 26.5% from 2000 to 2010.

23. The number of Black Citizens of Voting Age increased by 432,549, from 1,638,026 to 2,070,575. As a percent of all Citizens of Voting Age in the State of Texas, Blacks increased from 12.3% to 13.0% from 2000 to 2010.

24. The number of White Citizens of Voting Age increased by 659,267, from 8,305,993 to 8,965,260. As a percent of all Citizens of Voting Age in the State of Texas, Whites decreased from 62.5% to 56.4% from 2000 to 2010.

25. Minorities accounted for most of the growth of the Citizen Voting Age Population from 2000 to 2010. Of the 2.5 million additional Citizens of Voting Age in the State Texas over the past decade, 64.4 percent of those additional adult citizens were Hispanic or Black and 25.4 percent were White Alone.

2. Largest Counties

26. In this section I focus on the six most populous counties in the State of Texas and the size and growth of their Citizen Voting Age Populations. The analysis elucidates where growth in the eligible electorate is occurring, among which groups, and at what rates.

27. I use the 2006-2010 5-year average of the American Community Survey (ACS) population estimates to estimate the 2008 Citizen Voting Age Population, as 2008 is the mid-year of that 5-year window. I use the 2008-2012 5-year average of the ACS to estimate the 2010 Citizen Voting Age Population.

28. Table 2 presents the Citizen Voting Age Population among racial groups in the State of Texas for the years 2008 (2006-2010 ACS average) and 2010 (2008-2012 ACS average). The table provides CVAP estimates for the six most populous counties and the state as a whole.

29. These six counties accounted for half of the increase in CVAP in the state from 2008 to 2010 (i.e., from the 2006 to 2010 ACS to 2008 to 2012 ACS). The CVAP of the State of Texas State grew by an estimated 614,145 from 2008 to 2010; the six most populous counties added 299,598 in that time.

30. Statewide, Hispanic CVAP and Black CVAP are growing at a much faster rate than White CVAP. White CVAP increased 144,450, a 1.6% over the two year span; Hispanic CVAP increased 320,025, an 8.2% rate over the two year span; Black CVAP increased 83,650 and at a 4.2% rate over the two-year span.

31. Population projections for the CVAP of the State of Texas and for particular groups and areas can be made by assuming the same rate of growth from 2010 to 2014 as occurred for each group from 2008 to 2010. Under that assumption, I project that there are 9,254,443

White adult citizens, 4,928,274 Hispanic adult citizens, and 2,233,601 Black adult citizens in the State of Texas in 2014.[1] I project that total CVAP in Texas in 2014 is 17,187,825. Hence, I project that Whites comprise 53.8% of the CVAP; Hispanics, 28.7% of the CVAP; and Blacks 13.0% of the CVAP. The remaining 4.5% CVAP consists of those who identify as Asian, American Indian, or mixed or other races.

32. In each of these six largest counties, minority CVAP grew at a much faster rate than White CVAP. And, in every one ofthese counties, the number of Hispanics adult citizens increased by more than the number of White adult citizens did Whites.

33. In the Dallas-Fort Worth area (Dallas and Tarrant Counties), for example, the total CVAP increased from 2,414,179 to 2,502,140 from 2008 to 2010, an increase of 3.6%. Whites accounted for only 4,500 persons of that growth. In these two counties combined White CVAP grew by only 0.3%. By comparison, Hispanic CVAP rose by over 46,000 persons, an 11.3% rate, and Black CVAP rose by more than 25,000 persons, a 4.9% rate. There are 1,379,185 White Citizens of Voting Age in Dallas and Tarrant counties combined and 988,595 Black and Hispanic Citizens of Voting Age in these counties. Assuming the same rates of growth have continued through 2014, I would

1. I make this projection using simple compounding on a 2-year basis. That is, I multiply the 2010 CVAP estimate times the square of 1 plus the two year rate of growth. So, if a group grew at 5 percent every two years, and had 100,000 persons in 2010, I project that it would have 1.05*1.05*100,000 = 110,250.

project that here are today approximately 1,151,592 Black and Hispanic adult citizens in Dallas and Tarrant counties and 1,387,473 White adult citizens

C. Overall Appraisal of Minority Opportunity Districts

34. This section offers a summary assessment of the number of majority Black, majority Hispanic, majority Black plus Hispanic, and cross over districts in the existing Congressional District map for the State of Texas (plan C235), in the Congressional District map used to elect Texas' Congressional Delegation from 2006to 2011 (Plan C100), and in the map drawn by the Federal District Court in the Western District of Texas in San Antonio (Plan C220). Plan C100 offers a baseline for comparison with Plan C235. Plan C220 offers a map that demonstrates how many minority opportunity districts could be constructed. This section does not offer the functional analysis of these districts. That is offered in section E.

35. I use Plan C220 as a reference map because it was drawn by the Federal District Court, which followed traditional districting principles and districting criteria.[2] Although the Supreme Court of the United States intervened and stopped the use of the map for the 2012 election, it did not invalidate the map itself. The Supreme Court did criticize the district configuration in the Dallas-Fort Worth area in

2. Doc. 544, November 26,2011, *Perez v. Perry* in the United States District Court for the Western District of Texas, Case 5:11-cv-00360-OLG-JES-XR, especially pages 5-7 and 16-17.

C220, and C235 adjusted the boundaries of CD 33. CD 33 under C220 and CD 33 under C235 in Dallas and Tarrant Counties are majority Black plus Hispanic districts. The adjustment to the boundaries in Dallas and Tarrant counties, then, did not change the number of minority districts that Plan C220 could achieve in that area. As such, C220 demonstrates how many minority opportunity districts might be constructed with reasonable effort and following traditional districting criteria and principles.

36. Table 3 presents my overall assessment of the number and types of minority opportunity districts under Plans C235, C100, and C220.

37. Based on racial composition of districts and voting patterns, analyzed later in this report, I determine that there were 11 districts in which Blacks or Hispanics had the opportunity to elect their preferred candidates under Plan C100.

38. There were 7 majority Hispanic CVAP districts under Plan C100. These were CDs 15, 16, 20, 23, 27, 28, and 29. There was 1 majority Black CVAP district under Plan C100's CD 30. There were two majority Black plus Hispanic districts, CDs 9 and 18, and one cross over district, CD 25. The Federal District Court in the District of Columbia determined based on evidence presented in trial that CD 25 was a functioning cross over district in its rulings in the case of *State of Texas v. United States.*[3] The

3. Document #230. Case 1:11-cv-01303-RMC-TBG-BAH, filed August 28,2012, page 73, and pages 76-88.

State of Texas' expert agreed during that trial that CD 25 is district in which minorities have the ability to elect their preferred candidates in general elections.[4] I present analyses below of CD 25 under Plan C100. Please see my reports in the trial in Federal District Court, Doc. 123-1 (filed Aug. 8, 2011), in the Western District of Texas in San Antonio (under the Constitution of the United States and Section 2 of the Voting Rights Act–hereafter referred to as the San Antonio Case) and in the Federal District Court, Doc. 77-3 (filed Oct. 25, 2011),[5] and Doc. 115-3 (filed Jan. 17, 2012), in the District of Columbia (under section 5 of the Voting Rights Act) for further evidence on the question of whether CD 25 was a functioning cross over district under C100.

39. There are as many as 12 districts in which Blacks or Hispanics have the opportunity to elect their preferred candidates under Plan C235.

40. There are 8 majority Hispanic CVAP districts under Plan C235. These are CDs 15, 16, 20, 23, 28, 29, 34, and 35. There are 2 majority Black CVAP districts under Plan C235's CDs 9 and 30. There are two majority Black plus Hispanic CVAP districts, CDs 18 and 33, and no cross over districts.

41. CD 9 under Plan C235 is a majority Black plus Hispanic CVAP district if one counts only those identified as Black

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4. Op cit., page 75, especially footnote 4.

5. This is the same as Doc. 155-2 (filed Jan. 17, 2012), in that case.

Alone as Black CVAP (BCVAP). CD 9 is Majority Black CVAP if one counts as Black those who identify as Black Alone or Black and White or Black and American Indian. Those categories combine to 50.2% BCVAP.

42. CD 23 under Plan C235 is majority HCVAP. However, Hispanic preferred candidates do not reliably win majorities of the vote in this district in statewide elections. In my original assessment of the exogenous elections in CD 23 under Plan C185, Hispanic preferred candidates did not reliably win majorities in the VTDs in CD 23. Based on that evidence, I concluded that CD 23 in C185 may not be a minority ability district.[6] In Section E, I will revisit this question below for CD 23 in Plan C235 relying on elections from 2008 to 2012. It should be noted here, though, that in exogenous elections, in CD 23 under Plan C235, candidates preferred by Hispanics won only 47.4% of the vote on average. [See Table 10.] Thus, there are 11 or 12 districts in which minorities have the opportunity to elect their preferred candidates under Plan C235.

43. Plan C220 contained 13 districts in which Blacks or Hispanics have the opportunity to elect their preferred candidates.

44. Plan C220 had 8 majority Hispanic CVAP districts. These were CDs 15, 16, 20, 23, 27, 28, 29, and 35. There

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6. Ansolabehere, Stephen, "Report on Minority and White Representation and Voting Patterns in the Texas Congressional District Plans C185 and C100," in the case State of Texas v. United States, in the Federal District Court of the District of Columbia, Doc. 77-3 (filed Oct. 25, 2011).

was 1 majority Black CVAP district under Plan C220 CD 30. There were three majority Black plus Hispanic CVAP districts, CDs 9, 18 and 33, and one cross over district. Plan C220 maintained CD 25 as a cross over district.

45. Plan C220 demonstrates that it is possible to create at least one more minority opportunity district than was constructed in Plan C235 and at least two more than existed under Plan C100. Plan C220 was constructed by the Federal District Court following reasonable districting criteria.

D. Potential for Hispanic Majority CDs in South and Southwest Texas

46. I assess the number of potential Hispanic majority or Hispanic opportunity CDs that could be created in South and Southwest Texas in two ways. First, I calculate the population of all Voting Tabulation Districts (VTDs) in majority Hispanic CDs in the South and Southwest Texas region in either C100 or C235. The Texas State Legislature created majority Hispanic CDs in South and Southwest Texas in these two maps, and the set of all VTDs in these districts offers one way to define the population that reasonably could be put in majority Hispanic CDs in this region. Second, I examine a demonstration map to determine whether it is possible to configure CDs in this region so as to increase the number of majority Hispanic CDs beyond what was accomplished in Plan C235. Rather than work from a new map, I use C220 as the demonstration map.

47. First, consider the potential number of majority Hispanic districts based on population in the envelope of all VTDs in majority Hispanic CDs in either C100 or C235. These are VTDs in CDs in South and Southwest Texas that are or were majority Hispanic as constructed by the Texas State Legislature.

48. Table 4 presents a count of the total number of persons in VTDs that were in majority Hispanic Districts in the South and Southwest part of the State of Texas in either C100 or C235. The table presents the tabulation for the majority Hispanic CDs and also including a cross over district in the region, Plan C100's CD 25.

49. This calculation suggests that there is the potential to create at least 7 majority Hispanic CDs in South and Southwest Texas. There were over 5.3 million people in this set of VTDs, and the ideal population for a Congressional District in the State of Texas is 698,488. The ratio of the total population in the set of VTDs to the ideal district population is 7.6 districts. Consideration of plan C220 will further show that this many districts could be constructed while following traditional districting principles commonly accepted by courts.

50. Including CD 25 under Plan C100 (a cross over district) in this calculation suggests that it is possible to create at least 8 minority opportunity districts in South and Southwest Texas. The total population in the set of VTDs in minority opportunity districts in this area is more than 8 times the population of an ideal district, if all of the VTDs in Plan C100's CD 25, which was a cross over district, are included in the calculation.

51. It may be possible to include other counties, such as Ector and Midland, in this area. My analysis only focuses on the set of VTDs that the State Legislature placed in Majority Hispanic CVAP districts under either Plan C100 or Plan C235.

52. A second approach is to consider an alternative map that demonstrates that at least 7 majority Hispanic CVAP districts (or 8 minority opportunity districts) can in fact be drawn in this region of the State. Again, C220 serves as such a demonstration map.

53. Table 5 presents the CVAP statistics for Whites, Blacks, and Hispanics in each of the districts in the State of Texas under Plans C100, C220, and C235.

54. C100 contained 6 majority Hispanic CDs in South and Southwest Texas. These were CDs number 15, 16, 20, 23, 27, and 28. In addition, C100 contained a cross over district, CD 25, in this area.

55. C235 contains 7 majority Hispanic CVAP CDs in South and Southwest Texas. These are CDs number 15, 16, 20, 23, 28, 34, and 35. CD 23 under the configuration in Plan C235 might not function as a district in which minorities can elect their preferred candidates, as discussed in section E. Plan C235 has no cross over districts in the State of Texas, and it has no majority Black plus Hispanic districts in South and Southwest Texas.

56. Examination of Plan C220 reveals that 7 majority Hispanic CDs in South and Southwest Texas could have

been created. Under Plan C220 the 7 majority Hispanic CDs in this part of the state are CDs 15, 16, 20, 23, 27, 28, and 35. A configuration along the lines of Plan C220 would preserve CD 27 by keeping most Nueces County Hispanics in a majority Hispanic CVAP district in South Texas.

57. Plan C220 also preserved Plan C100's CD 25, which was determined to be a cross over district by the Federal District Court in District of Columbia in the Section 5 trial involving the districting process in Texas and which I concluded was a cross over district.

58. Consequently, based on a demonstration plan and on the total population in Hispanic majority CDs in the area, it is possible to create at least 7 majority Hispanic CVAP districts. And, Plan C220 further demonstrates that it is possible to maintain a cross over district in this area. Plan C235 creates 7 majority Hispanic districts in this area, one of which (i.e., CD 23) may or may not function as a district in which minorities have the ability to elect their preferred candidates, and no cross over districts.

E. Voting Patterns in Districts

59. Classification of districts as minority opportunity districts depends on the voting patterns in the districts, as well as the racial composition of the districts. The opinion of the Supreme Court of the United States in *Thornburg v. Gingles* established that ecological regression may be used to measure the degree of cohesion in voting among racial groups and the degree of polarization between racial

groups. These factors are one of several forms of evidence that may be used to determine whether districts may have discriminatory effects. (478 US (1986) 30, 52-59)

60. My reports in the proceedings in the San Antonio Case and in the Section 5 Case provide evidence of racial voting patterns in the State of Texas, in various counties and regions in the state, and in Congressional Districts in question. I refer the Court to those reports.[7]

61. This report provides further analysis using elections from 2012, as well as 2008 and 2010, and analyzes voting patterns under Plan C235 as well as C100. I examine federal races in 2008 and 2012 (U.S. President, U.S. Senate, and U.S. House), as the Congressional Districts in question involve federal offices. I also examine Governor and Attorney General in 2010, as these are two prominent statewide races. I examine statewide races (except in the case of U. S. House) as the candidates are the same everywhere, permitting readier comparison of results across districts.

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7. See Ansolabehere, Stephen, "Report on Minority and White Representation and Voting Patterns in the Texas Congressional District Plans C185 and C100," in State of Texas v. United States, Federal District Court of the District of Columbia Doc. 77-3 (filed Oct. 21, 2011, especially pages 30- 42); Ansolabehere, Stephen, "Rebuttal Report to the Supplemental Expert Report of Doctor John Alford," in State of Texas v. United States, Doc. 155-3; and Ansolabehere, Stephen, "Report on Minority and White Representation and Voting Patterns in the Texas Congressional District Plan C185" in *Perez v. Perry*, Doc. 123-1.

1. Statewide Analysis of Voting Patterns

62. Ecological regression analysis reveals that there is a high degree of racial polarization and high group cohesion in the State of Texas. Table 6 presents ecological regression estimates of the percent of each group who voted for the Democrat over the Republican for U.S. President, U.S. Senate and U.S. House in 2012.

63. In the 2012 elections, nearly all Blacks voted for Democratic candidates in the elections for U.S. President, U.S. Senate, and U.S. House. Approximately 70 to 80 percent of Hispanics voted for Democratic candidates in these elections, statewide. Only 6 to 13 percent of Whites voted for Democratic candidates in these elections.

2. Cohesion and Polarization estimates in Minority Opportunity CDs in South and Southwest Texas, and Travis.

64. Ecological regression analysis shows that there is a high degree of racial cohesion and racial polarization in South and Southwest Texas. I define the region, for the sake of convenience as all VTDs that that were in Congressional Districts 15, 16, 20, 23, 25, 27, or 28 under Plan C100 or that are in Congressional Districts 15, 16, 20, 23, 28, 34, or 35 under Plan C235. (One may also define the region as a set of counties. The results do not differ substantively.)

65. Table 7 presents an analysis of voting behavior of racial groups in potential minority opportunity districts

in South and Southwest Texas. The vote variable in the regression (dependent variable) is the Average Percent of Two-Party Vote Won by Democratic Candidates for President in 2008, U.S. Senate in 2008, Governor in 2010, Attorney General in 2010, President in 2012, and U.S. Senate in 2012. No U. S. House elections are included in this average, so this represents the percent of vote won by Democratic candidates in the Exogenous Elections in the VTDs in these districts. These particular races are chosen because they are immediately comparable to U.S. House elections as federal elections (President and Senate) or at or near the top of the ballot (Governor or Attorney General). They are statewide elections so the results reflect the voters' evaluations of the same candidates in all parts of the district.

66. The top panel of Table 7 corresponds to the districts in Plan C100. Within most of the Congressional Districts in South and Southwest Texas under Plan C100 racial groups exhibited a high degree of cohesion. There was also high polarization between Whites on one side and Hispanics and Blacks on the other. Roughly 80 percent of Hispanics and 90 percent of Blacks voted for Democratic candidates in these districts. Typically 5 percent of Whites in this area voted for Democratic Candidates for U.S. President or U.S. Senate.

67. There is one notable exception to the pattern of polarization in these districts. CD 25 under Plan C100 shows a high level of cohesion among minorities, as in the other districts, but a relatively low level of cohesion among Whites. In this district a minority of 41.6% Whites voted

for candidates preferred by Blacks and Hispanics. The district with the next highest level of White support for minority preferred candidates was CD 20, with 20% voting for the candidate preferred by Blacks and Hispanics. Under Plan C100, then, CD 25 exhibited substantial cross over vote among Whites.

68. The bottom panel of Table 7 presents estimates of voting patterns in exogenous elections among racial groups in the CDs in South and Southwest Texas under Plan C235. As with the configuration of districts under Plan C100, there is high polarization between Hispanics and Whites in this area. Hispanic vote for Democratic candidates ranges from 79 to 83 percent, across districts. White vote for minority-preferred candidates ranges from 0 to 20 percent.

69. Under Plan C235, there is no CD in which Whites exhibit a high level of cross over voting, even though this is the same set of elections as in the top panel in the table (corresponding to Plan C100). This is because the White voters that were in CD 25 under C100 and crossed over in significant numbers are split across several districts in Plan C235. Specifically, those voters end up in CD 35 under Plan C235 (see Table 7) and CDs 10, 21, and 25 (not shown in Table 7) under Plan C235.

70. The 2012 U.S. House elections (the endogenous elections) show similar patterns of cohesion and polarization to the statewide (exogenous) elections. Table 9 provides estimates of voting behavior of racial groups in the 2012 U.S. House elections under Plan C235.

71. Hispanics show a very high level of cohesion, consistently across districts in both Plan C100 and Plan C235. Roughly, 75 to 90 percent of Hispanics vote for Democratic candidates in every district in this region. Under Plan C100 Whites in all but CD 25 voted from 0 to 20 percent for minority preferred candidates. In CD 25, however, an estimated 53 percent of Whites voted for the Democrat in the 2008 U.S. House election and 37 percent of Whites voted for the Democrat in the 2010 U.S. House election. Nonetheless, the Democrat, who was preferred by minority voters, won both elections.

72. In the 2012 U.S. House election conducted under C235, racial groups vote much more cohesively within each district. Democratic candidates won between 78% and 97% of the Hispanic vote, depending on the district. Also, the configuration of the districts under the interim map was such that no district exhibits a high rate of cross over voting among Whites. Under Plan C235, he Democratic candidates won 20 and 22 percent of the White vote in CDs 20 and 35, respectively.

73. In sum, there is high racial cohesion and high polarization in all Hispanic CVAP majority districts in South and Southwest Texas Congressional Districts in Plan C235 and in all but one district in that area in Plan C100. This pattern holds true in both the exogenous and endogenous elections, and in the 2012 elections, as well as the 2008 and 2010 elections. The exception to this pattern was CD 25 under Plan C100, where there was substantial support for minority-preferred candidates among White voters. Plan C235 divides the racial groups

in the South and Southwest Texas area so that the highest vote among Whites for minority-preferred candidates is approximately 20 percent.

74. The reconfiguration of three districts from Plan C100 is of particular concern, CD 23, CD 25, and CD 27. The treatment of the populations in these districts affects the configuration of all other districts in the South and Southwest Texas region.

3. CD 23 Under Plan C235

75. As established in my report to the Federal District Court in the District of Columbia in the Section 5 trial, CD 23 was a district in which minorities had the ability to elect their preferred candidates, but the reconfiguration of the district reduced the voting strength of minorities in this area. My earlier report (especially sections C and D) detail how this occurred.[8]

76. A key test of the performance of a district is whether candidates preferred by minorities actually win a majority of the vote in elections in the VTDs in a proposed district. Table 10 presents the percent of the two-party (Democrat plus Republican) vote received by minority-preferred candidates in 2012 federal elections and on average from 2008 to 2012 in the South and Southwest Texas area. I

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8. See Ansolabehere, Stephen, "Report on Minority and White Representation and Voting Patterns in the Texas Congressional District Plans C185 and C100," in *State of Texas v. United States*, Federal District Court of the District of Columbia, Doc. 77-3 (filed Oct. 25, 2011), especially pages 30-42.

use the analysis in tables 8 and 9 to determine which candidates minority voters preferred. I then calculate the percent of the two-party vote won by those candidates in general elections.

77. Candidates preferred by minorities in CD 23 fall short of a majority in the election for U.S. President and U.S. Senate among the VTDs in CD 23 under Plan C235. In the average election, the candidates preferred by minorities received only 47.4% of the vote. Across all six elections used to construct the average vote (President 2008 and 2012, Senator 2008 and 2012, Governor 2010, and Attorney General 2010), the minority preferred candidate won the majority of vote in only 2 of the 6 in the VTDs that comprise CD 23 under Plan C235. Those are the exogenous elections. There has been one endogenous election under this map, in 2012. In that election, the minority preferred candidate won 52.5% of the vote.

78. In the majority of elections examined, the minority preferred candidate did not win a majority of votes in the VTDs in CD 23 under Plan C235.

4. Analysis of Nueces County and CD 27 under C100 and C235

79. The reconfiguration of CD 27 takes a substantial Hispanic population out of a majority Hispanic CVAP CD under Plan C100 and places them into a plurality White CD (27) under Plan C235.

80. CD 27 under Plan C235 contains Nueces County and part of San Patricio County. Nueces County was entirely

in CD 27 under Plan C100. Of the 340,223 persons in this county, 206,293 (60.6%) are Hispanic. The portion of San Patricio County that was in CD 27 under Plan C100 contained 37,264 persons, of which 15,025 (40.3%) are Hispanic. The portion of San Patricio County that is in CD 27 under Plan C235 contains 44,379 persons, of which 20,151 (45.4%) are Hispanic.

81. Based solely on CVAP data, CD 27 in Plan C100 was majority Hispanic. Under Plan C100, 65.9% ofCVAP in CD 27 was Hispanic. Hispanic preferred candidates held a slight edge in this district in statewide elections from 2008 to 2012. Under Plan C100, the Hispanic preferred candidate won the 2008 U.S. House election in CD 27 with 60.2% of the two-party vote. The Hispanic preferred candidate lost the 2010 U.S. House election in CD 27 with 49.6% of the two-party vote. In the VTDs in CD 27 under Plan C100, the Hispanic preferred candidates won 54.7% of the 2012 Presidential vote, 51.7% of the 2012 U.S. Senate vote, 50.2% of the 2010 Governor vote, 41.2% of the vote for Attorney General, and 53.7% of the 2008 Presidential vote.

82. CD 27 in Plan C235 is plurality White. In this district, 49.6% of the CVAP is White, and 48.8% is Black or Hispanic. It may be possible, with sufficient White cross over voting, to elect minority-preferred candidates in this district. However, the district does not function as an effective cross over district.

83. Looking at statewide elections in the VTDs in this district, the Hispanic preferred candidates won 38.7% of the 2012 Presidential vote, 39.2% of the 2012 U. S. Senate

vote, 41.1% of the 2010 Governor vote; and 40.4% ofthe 2008 Presidential vote.

84. Racial groups in CD 27 under Plan C235 exhibit high levels of cohesion and polarization in their voting. Using the Average Democratic Share of the Two- Party Vote, ecological regression analysis estimates that 8.8 percent of Whites voted for Hispanic Preferred candidates, 77.6 percent of Hispanics voted for those candidates, and 93.6 percent of Blacks voted for those candidates.[9] In the 2012 U.S. House election, ecological regression estimates reveal that 7.1 percent of Whites, 79.6 percent of Hispanics, and 96.4 percent of Blacks voted for the Democratic candidate.

85. In sum, Plan C235 puts a substantial Hispanic population from Nueces and San Patricio Counties that was in a majority Hispanic CD into a district that is majority White. Both districts exhibit high levels of racial cohesion and polarization. And CD 27 under Plan C235 does not function as a cross over district.

5. Analysis of Travis County and CD 25 under C100

86. The Federal District Court in District of Columbia issued a decision in the Section 5 case on August 28, 2012. That court found that CD 25 under Plan C100 was a functioning cross over district, and, thus, a minority

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9. AVERAGE DEM VOTE SHARE in VTD in CD 27 under C235 =.0881 + .8481% Black of VAP + .6881*% Hispanic of VAP; N=312, R^2 = .852.

opportunity district. The VTDs from that district within Travis County were divided into 5 separate districts under Plan C185 and is divided into those same districts under Plan C235. Th3e August 2012 decision was consistent with the analysis and evidence that I offered to the court.[10]

87. I will not repeat, other by reference, the evidence entered in that case regarding the representation of minorities in CD 25 under Plan C100. However, the reports filed there pointed to several factual conclusions about this district. (1) Whites are a majority of the district. (2) Blacks and Hispanics are cohesive and vote for the same candidates in general elections and usually vote for the same candidates in primary elections. (3) Whites are not highly cohesive, but a majority tends to vote against candidates preferred by Blacks and Hispanics in general elections. (4) The candidate preferred by Hispanics and Blacks in primary election voting won the primary elections for U.S. House in this district from 2006 to 2010.

88. Tables 7 and 8, and analyses provided in my earlier reports, show that the minority-preferred candidates won majorities of votes in exogenous and endogenous

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10. See Ansolabehere, Stephen, "Report on Minority and White Representation and Voting Patterns in the Texas Congressional District Plans C185 and C100," in State of Texas v. United States, Federal District Court of the District of Columbia, Doc. 77-3 (filed Oct. 25, 2011), especially pages 34- 40; See Ansolabehere, Stephen, "Rebuttal Report to Doctor John Alford," in State of Texas v. United States, Federal District Court of the District of Columbia, Doc. 155-3 (Jan. 16, 2012), especially pages 17-27;

elections in CD 25 under Plan C100. That was true even when majorities of Whites voted for the opposing candidate. Typically, Whites voted just 42% of the time for minority-preferred candidates in exogenous elections in this district, but that was sufficient cross over vote so that the minority-preferred candidates won the majority of the vote in the VTDs in CD 25 under Plan C100. Most notably, in the 2010 U.S. House election in this district, the minority preferred candidate, Lloyd Doggett, won just 37% of the vote of Whites, but he still won the congressional election in this district.

89. Lloyd Doggett was also the candidate preferred by minorities in congressional primary elections in this area. There are few primaries in Congressional races in the area of Plan C100's CD 25 and Travis County. In 2004 and 2012 there were contested primaries for U. S. House of Representative, both involving Congressman Lloyd Doggett. In 2004, Doggett ran against Leticia Hinojosa. In 2012 (in CD 35), he ran against two opponents, Sylvia Ramo and Maria Luisa Alvarado. Lloyd Doggett won both primaries by a wide margin. He won 64.4% of all votes in the 2004 primary. He won 73.2% of all votes in the 2012 primary, and 91.9% of all votes in the VTDs that were in CD 25 under Plan C 100. Table 11 presents the estimated voting behavior of racial groups in the VTDs that were in CD 25 in primary elections. This does not encompass all VTDs that were in CD 25 under Plan C100, but those VTDs that were in that CD and either in CD 25 in 2004 or in CD 35 under Plan C235 in 2012. As demonstrated in Table 11, all racial groups preferred Doggett to the opposing candidates.

F. Analysis of the Division of Travis County and of CD 25 Under Plan C100

90. The Federal District Court in Western Texas issued a preliminary ruling in the San Antonio Case on March 19, 2012, regarding Plan C100's CD 25 and the division of Travis County. The court's ruling stated that more evidence is required concerning the division of Travis County and of CD 25. (See Document 691, page 48.) Specifically, the court cites testimony from witnesses from the State of Texas asserting that the division of Plan C100's CD 25 was primarily motivated to defeat Lloyd Doggett and for partisan rather than racial purposes. (See Document 691, page 44.)

91. No statistical evidence to this effect was provided by those witnesses or cited by the court. The court left open the possibility that such evidence might inform later decisions concerning this map. While that testimony concerned Plan C185, the division of Travis County and of Plan C100's CD 25 in Plan C235 follows the boundaries for this area laid down in C185.

1. Targeting Lloyd Doggett

92. One motivation asserted as a rationale for the reconfiguration of districts in Travis County was to defeat Congressman Lloyd Doggett. Congressman Doggett represented CD 25 under Plan C100. The majority (60%) of the Voting Age Population in CD 25 under Plan C100 was in Travis County.

93. The plurality of Voting Age Persons from Plan C100's CD 25 in Travis County ended up in CD 35. CD 35 under the interim map is identical to CD 35 in Plan C185.

94 In CD 25 under Plan C100, Lloyd Doggett received 52.8% of all votes cast in the 2010 Congressional general election for this district, 65.8% in 2008, and 67.3% in 2006.

95. In 2012, Lloyd Doggett ran in CD 35 under the interim map. Congressman Doggett won 64.0% of the vote in 2012 in CD 35. There is no statistical evidence that the redrawing of districts in Travis County had the effect of reducing the vote share received by Congressman Doggett, let alone defeating him.

96. The Texas State Legislature did not change the boundaries of CD 35 when it adopted C235 in 2013, after Lloyd Doggett had won election to this district.

2. Division of Racial Groups in Travis County

97. A question raised in the March 19, 2012, opinion of the Federal District Court in the Western District of Texas is whether the division of Travis County is primarily racial or partisan. I address this question two ways. First, I examine the division and racial composition of VTDs across Congressional Districts in Plans C100 and C235. Second, I consider how strongly racial composition and party vote predict which VTDs are in which districts.

(a) Maps

98. Maps 1 and 2 show the boundaries of Congressional Districts in Travis County under Plans C100 and C235, respectively. The maps are centered on the City of Austin. The gray-scale represents the percent Black non-Hispanic population in each Voting Tabulation District, with darker grays meaning higher percentage Black and lighter grays meaning higher percentage non-Black.[11]

99. The highest concentration of Blacks is in Central and Eastern Travis County, with a significant portion of the population in East and Central parts of the City of Austin. The VTDs with the highest percentage Black VAP in this area are 101, 105, 114, 117, 118, 121, 122, 124, 126, 129, 132, 151, and 444. All of these VTDs were in CD 25 under Plan C100, except for VTD 105, which was in CD 10.

100. Plan C235 splits these VTDs across three districts. VTDs 105, 114, and 118 are in CD 10 under C235. VTDs 122, 124, 126, 129, 132, and 151are in CD 25. VTDs 101, 117, 121, and 444 are in CD 35.

101. Three VTDs in northern Travis County have at least 20% Black VAP. These are VTDs 161, 148, and 216. All were in CD 10 under Plan C100. All three are put in CD 17 under Plan C235.

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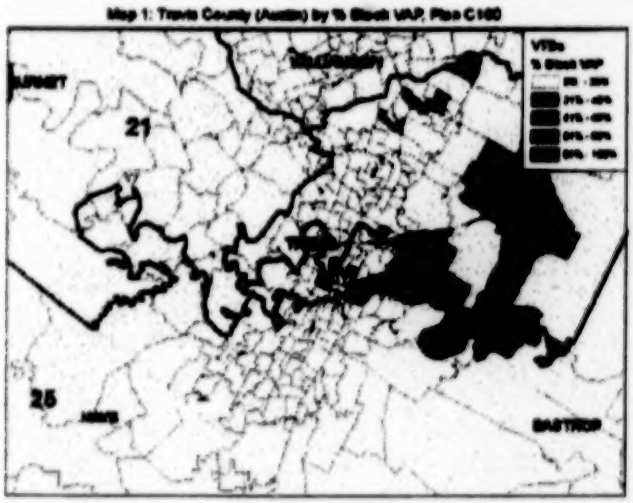
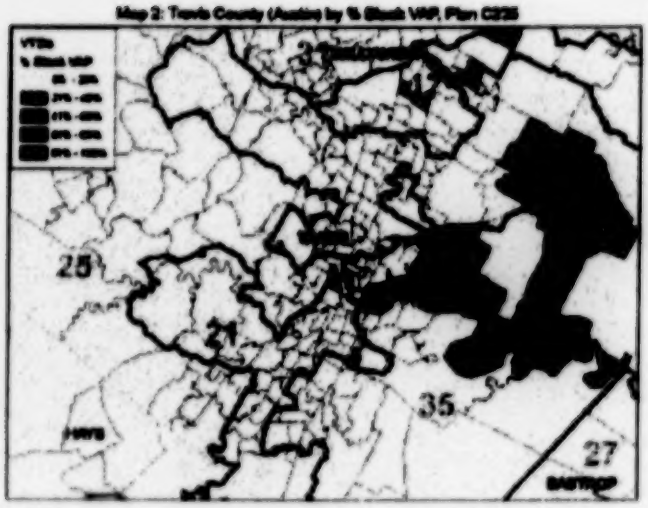
11. VTD 125 has 1 person. That person is Black, so that VTD shows up as 100% Black Also VTD 432 has 4 persons, one of whom is Black

102. Maps 3 and 4 show the boundaries of Congressional Districts in Travis County under Plans C100 and C235, respectively. The gray-scale represents the percent Hispanic population in each Voting Tabulation District, with darker grays meaning higher percentage Hispanic and lighter grays meaning higher percentage non Hispanic. The Hispanic population is most highly concentrated in Southern and Eastern parts of the county and in the northern part of the City of Austin.

103. Much of the area of Travis County that is placed into CD 35 under C235 was in CD 25 under C100. Compare maps 3 and 4. Specifically, CD 25 under C100 contained the southern quarter of Travis County, and most of that area is put in CD 35 under Plan C235. The Hispanic population in the northern part of the City of Austin was contained in CD 10 under Plan C100; C235 also incorporates the VTDs from CD 10 with the highest percent Hispanic in CD 35.

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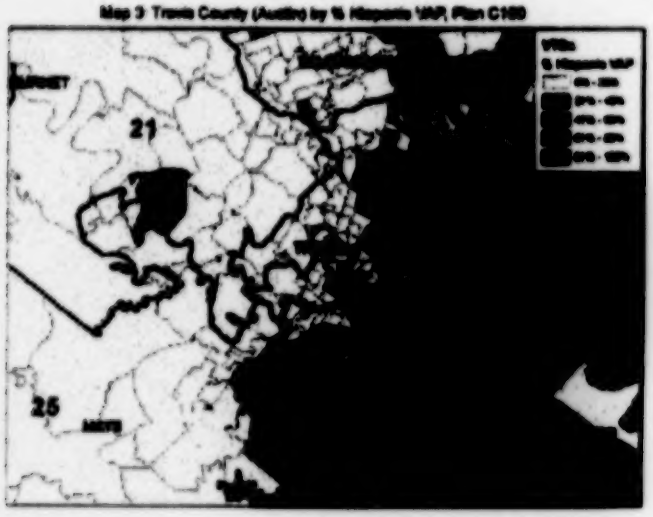
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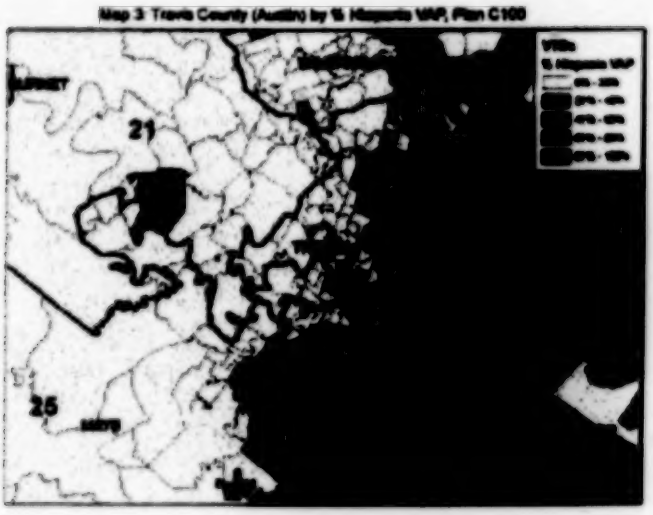

(b) Correlation between District Boundaries and Race and Party in Travis County

104. The opinion of the Federal District Court in the Western District of Texas in its March 19, 2012 opinion left open the possibility of a demonstration that race is more important than party in C185's and C235's division of Travis County and of CD 25.

105. A simple way to address that question is to examine whether race or party are stronger correlates or predictors of which VTDs ended up in which CDs. If party is at least as important as race, then measures of party strength, especially voting strength, ought to correlate more strongly than race with which CD a VTD is in.

106. Table 12 presents the correlations between racial composition of a VTD and inclusion of that VTD into a given district in Travis County. Those correlations are on the top panel. The table also presents the correlations between inclusion of a VTD in a given CD and the party vote in that district in Travis County. Specifically, the measures of vote are the Percent of the Two-Party Vote (Democrat plus Republican) won by Democrats for President in 2008, Governor in 2010, and President in 2012, and the Average Percent of the Two-Party Vote won by Democrats in six elections (President 2008, U.S. Senate 2008, Governor 2010, Attorney General 2010, President 2012 and U.S. Senate 2012).

107. The stars in the table indicate statistically significant values. Entries with one star are significantly different from zero with probability less than .05; entries with two stars are significantly different from zero with probability less than .01. Lower probability values mean that I am more certain that the observed correlation is different from zero.

108. The racial indicators are statistically significantly correlated with inclusion of VTDs in specific CDs. Only for CD 10 is there no statistically significant correlation between the racial composition of the VTD and the likelihood that it is included in a given VTD. That is, with the exception of CD 10, racial factors are significant predictors of which VTDs end up in which CDs in Travis County.

109. The party vote indicators are also correlated with the indicators of whether a VTD is included in specific districts for 2 (possibly 3) of the 5 CDs. None of the party vote indicators is related to (or predictive of) whether a VTD is included CDs 10 or 21. Only one of the vote measures (Governor 2010) is correlated with inclusion in CD 17, and that correlation is quite weak. Party vote is consistently and significantly related to inclusion in CDs 35 and 25.

110. Comparing the top and bottom panels reveals that race is a stronger predictor than party vote of which VTDs are put in which CDs. For CD 35, the correlations are .73 and -.60 for Percent Hispanic VAP and Percent Anglo VAP, respectively. The party vote correlations range from .35 to .40, only about half as strong as the racial correlations. For CD 25, the correlations are .34 and -.38 for Percent Hispanic VAP and Percent Anglo VAP. The correlations for party vote range from .20 to .27. None of the correlations is significant for CD 10. For CD 21, the correlations are .21 and -.24 for Percent Anglo VAP and Percent Black VAP, respectively. The party vote correlations range from .06 to .09, and none is significant. For CD 17, there is a significant correlation between Percent Black VAP of .19, and a significant correlation between percent Democrat for Governor in 2010 of -.15.

111. Race, then, is a stronger correlate and predictor than party vote of which VTDs are placed in which CDs in Travis County under Plan C235. When the correlations are significant, the racial correlations are twice as strong as the party vote correlations among the VTDs. See, in particular, the correlations for CDs 21, 25, and 35.

112. Table 13 restricts the correlation analysis further. Specifically, the analysis is of only VTDs in Travis that were in CD 25 under Plan C100. Looking at this subset, the correlations of the racial variables are even stronger than for the county as a whole. In other words, race is an even stronger predictor of which Travis County VTDs ended up in which CDs when we restrict the subset of VTDs only to those that were in CD 25 under Plan C100. The same is not true of the party indicators. The party vote variables are less strongly correlated and weaker predictors than the racial variables of which VTDs ended up in which CDs among the subset ofVTDs that were in CD 25 under Plan C235.

3. Division of Racial Groups in Plan C100's CD 25

113. Looking at the district level rather than the county level, it is evident that Plan C235 divides CD 25 under Plan C100 more along racial lines than party lines. Consider all VTDs that were in CD 25 under Plan C100 and the division of those VTDs into new CDs under Plan C235. Specifically, I create an indicator of which CD a given VTD is placed in under Plan C235 and correlate the racial composition of and party vote of the VTDs with the indicators of the CDs in which VTD is included under Plan C235. Table 14 presents correlations between White VAP, Black VAP, and Hispanic VAP and indicators of which CD a given VTD is in under Plan C235. The table also presents the correlation between the Democrat's Percent of the Average Two-Party Vote and indicators of which CD a given VTD is in under Plan C235.

114. The racial variables are highly predictive of which VTDs that were in CD 2 5 under Plan C100 end up in CDs 25 and 35, and show significant correlations for CDs 10 and 21. The racial composition of the VTDs is not predictive of which of Plan C100's CD 25's VTDs ended up in CDs 27 or 34 under Plan C235. Note, none of the VTDs that ended up in CDs 27 or 34 under Plan C235 were Travis County VTDs.

115. Party vote is also correlated which VTDs that were in CD 25 under Plan C100 end up in particular CDs under Plan C235.

116. The party correlations are, on the whole, weaker than the racial correlations. Specifically, the racial correlations are at least twice as large as the party vote correlations for CDs 21, 25, and 35 under Plan C235, and they are about the same as each other for CD 10. For CD 27 the party vote correlations are stronger than the racial correlations, and all the correlations are quite weak for CD 34. As noted above, all of the VTDs in Plan C235's CD 27 and CD 34 lie outside of Travis County. None of the party vote correlations is as strong as the racial correlations for CD 25 and CD 35 under Plan C235.

117. Based on this pattern of correlations, race was a stronger predictor than party in the determining which VTDs in Travis County ended up in which CDs under Plan C235 and which VTDs in Plan C100's version of CD 25 ended up in which CDs under Plan C235.

Table 1. 2000 and 2010 Texas Population, Voting Age Population, and Citizen Voting Age Population						
	Total Population		Voting Age Population		Citizen Voting Age Population Population	
	2000	2010	2000	2010	2000	2010
All People	20,851,820	25,145,561	14,977,890	18,279,738	13,299,845	15,891,110
White Alone	10,933,313	11,397,345	8,423,235	9,074,684	8,305,993	8,965,260
Hispanic	6,669,666	9,460,921	4,287,444	6,143,144	2,972,988	4,209,595
Black, non- Hispanic	2,493,057	3,075,696	1,683,430	2,196,195	1,638,026	2,070,575
Note: Total Population and Voting Age Population are from the 2000 and 2010 Census Enumeration. Citizen Voting Age Population for 2000 is from the Census Long Form survey in that year; Citizen Voting Age Population for 2010 is from the American Community Survey 2008-2012, with 2010 as the mid-year.						

Table 2. Citizen Voting Age Population Estimates among Racial Groups for 2008 and 2010 in the State of Texas and its 6 Most Populous Counties, Using the Five Year ACS Averages for 2008 (2006-2010) and for 2010 (2008-2012)					
		Citizen Voting Age Population and Growth Rate By Group			
County	Year	Total	White	Hispanic	Black
Harris	2008	2,230,550	1,051,265	530,490	508,540
	2010	2,328,000	1,054,485	590,280	530,755
	% Growth	4.4%	0.3%	11.3%	4.4%
Dallas	2008	1,321,135	657,305	250,680	345,630
	2010	1,360,390	649,069	277,395	359,125
	% Growth	3.0%	-1.3%	10.7%	3.9%
Tarrant	2008	1,093,044	717,280	156,765	164,245
	2010	1,141,750	730,125	176,280	175,795
	% Growth	4.5%	1.8%	12.4%	7.0%
Bexar	2008	1,082,495	412,845	560,100	82,750
	2010	1,135,610	420,345	593,520	89,240
	% Growth	4.9%	1.8%	6.0%	7.8%
Travis	2008	629,720	406,805	129,195	57,825
	2010	666,065	424,600	140,200	61,390
	% Growth	5.8%	4.4%	8.5%	6.2%

El Paso	2008	425,970	83,295	320,195	14,715
	2010	450,700	85,030	340,530	16,350
	% Growth	5.8%	2.1%	6.4%	11.1%
State of Texas	2008	15,276,965	8,820,810	3,889,570	1,973,520
	2010	15,891,110	8,965,260	4,209,595	2,057,170
	% Growth	4.0%	1.6%	8.2%	4.2%

Table 3. Total Number of and Types of Minority Opportunity Districts under Plans C100, C220, and C235

	Plan C100 (2006-2011 Districts)	Plan C220 (Court Drawn Interim Map)	Plan C235 (2012-present)
	Number of CDs (CD Numbers)		Number of CDs (CD Numbers)
Majority Hispanic CVAP	7 (15, 16, 20, 23, 27, 28, 29)	8 (15, 16, 20, 23, 27, 28, 29, 35)	7 or 8 (15, 16, 20, 28, 29, 34, 35; 23 is in question)
Majority Black CVAP	1 (30)	1 (30)	2 (9, 30)
Majority Black+ Hispanic CVAP	2 (9, 18)	3 (9, 18, 33)	2 (18, 33)
Cross Over	1 (25)	1 (25)	0
Total Number of CDs in State	32	36	36

Source: Report RED 116 for C235 and C100.

Table 4. Population of VTDs in Majority Hispanic CDs in Either Plan C100 or Plan C235		
	VTDs in Majority Hispanic CDs in Either C100 or C235	**VTDs in Majority Hispanic CDs in Either C100 or C235 Plus Plan C100's CD 25**
Total Population	5,303,855	5,832,330
Number of Potential CDs (Population/698,488)	7.59	8.35
Total Voting Age Population Total Hispanic Voting Age Population	3,723,489	4,134,056
	2,577,930	2,673,048

Table 5. CVAP by Racial Group in Congressional Districts in C100, C220, and C235									
	C100			C220			C235		
CD #	Hispanic CVAP	Black* CVAP	White Alone CVAP	Hispanic CVAP	Black CVAP	White Alone CVAP	Hispanic CVAP	Black CVAP	White Alone CVAP
1	6.4	18.7	73.4	6.5	18.8	73.2	6.5	18.8	73.2
2	14.3	22.9	59.2	17.8	14.8	61.1	19.1	10.5	63.1
3	12.2	11.8	64.8	8.7	8.8	72.5	8.7	8.7	72.6
4	6.6	10.7	79.7	5.9	11.1	80.7	5.8	11.1	80.8
5	11.0	14.5	71.5	12.0	14.7	70.6	12.2	15.2	70.1
6	13.0	17.0	65.4	26.5	15.7	54.8	13.3	18.1	63.5
7	16.7	10.9	63.7	16.7	11.3	63.5	17.6	12.7	61.1
8	8.0	8.3	81.5	9.9	9.5	78.4	10.5	9.4	77.7
9	21.7	48.8	18.2	21.3	49.2	17.9	20.3	50.2	18.7
10	17.7	12.3	64.4	15.1	9.2	69.1	15.6	11.4	69.0
11	27.5	4.2	66.7	24.9	3.9	69.4	24.8	3.9	69.6
12	17.0	7.3	71.9	12.3	7.7	76.0	12.8	8.2	75.2
13	15.6	6.3	75.8	15.6	5.7	76.4	15.7	5.7	76.4

14	21.8	10.1	64.9	14.6	20.2	61.4	14.7	21.7	60.7
15	74.4	2.2	22.4	76.1	1.7	21.1	71.6	2.4	24.5
16	75.0	3.7	19.2	76.9	3.2	17.9	73.4	4.0	20.5
17	12.7	10.0	75.2	13.3	10.8	73.7	15.2	13.7	67.6
18	24.3	46.7	24.5	23.9	47.2	24.4	21.5	49.4	24.7
19	26.1	5.6	66.3	26.7	6.3	65.0	26.5	6.3	65.2
20	64.7	8.2	24.8	59.3	7.7	30.8	62.6	5.3	29.5
21	23.0	6.5	66.6	19.1	2.6	74.9	21.3	3.2	72.1
22	20.0	14.9	53.3	17.8	16.1	52.0	19.1	13.3	53.3
23	59.6	3.6	34.3	58.7	5.0	33.9	61.3	3.7	33.0
24	16.7	15.7	59.6	12.3	9.5	70.4	13.1	11.0	67.7
25	26.4	8.7	62.0	24.3	9.6	61.4	11.8	7.5	77.2
26	11.0	14.3	70.7	10.4	7.4	77.1	10.2	7.1	77.8
27	65.9	2.5	30.1	74.2	2.2	22.5	43.0	5.6	49.6
28	69.9	1.9	27.1	75.1	1.6	22.4	67.1	5.5	25.8
29	59.0	15.1	24.0	58.5	15.6	23.9	60.1	14.9	22.4
30	20.0	52.2	25.5	19.4	52.5	25.7	18.5	54.1	24.9
31	16.1	12.7	67.0	16.3	13.9	66.0	16.7	11.6	67.1

32	21.6	9.5	63.9	13.3	12.6	66.6	14.4	12.2	66.8
33				22.8	30.5	40.9	41.4	25.0	30.7
34				25.4	8.4	63.5	74.6	1.9	22.7
35				53.0	9.0	36.0	52.1	11.5	33.9
36				15.0	10.4	70.7	12.8	10.2	74.1
*Black Alone plus Black and White plus Black and American Indian.									

Table 6. Ecological Analysis, Statewide Point Estimate Percent Support for Democratic Candidate and Confidence Interval (in parentheses)			
	Democrat's Share of Two Party Vote in Each Race		
	President 2012	US Senate 2012	US House 2012
Black	100.0% (98.6, 100.0)	100.0% (98.2, 100.0)	100.0% (98.2, 100.0)
Hispanic	75.9% (74.9, 76.9)	71.8% (70.9, 72.7)	81.4% (80.3, 82.7)
White	10.4% (9.9, 10.9)	12.7% (12.2, 13.2)	6.2% (5.6, 6.8)
N	8606	8606	8438
R-Square	.798	.780	.732

Table 7. RACIAL VOTING PATTERNS IN NON-CONGRESSIONAL (EXOGENOUS) ELECTIONS IN MINORITY OPPORTUNITY DISTRICTS Ecological Regression Estimates of the Percent of the 2-Party Vote Won by Democratic Candidates Among Whites, Hispanics, and Blacks in CDs in South and Southwest Texas under Plan C100 and Plan C235				
	PLAN C100			
	Average Democrat Share of 2 Party Vote Among Each Group			
	Blacks	Hispanic	White	N R-Squared

CD 15	36.8% (17.6, 56.0)	80.0% (75.5, 84.5)	0.0% (0.0, 3.8)	326 .821
CD 16	93.1% (68.0, 100.0)	82.6% (74.8, 90.4)	0.0% (0.0, 7.2)	179 .799
CD 20	90.3% (78.4, 100.0)	81.9% (77.3, 86.5)	16.9% (13.1, 20.7)	253 .771
CD 23	100.0% (82.6, 100.0)	79.2% (75.8, 82.6)	7.1% (4.6, 9.6)	329 .847
CD 25	100.0% (77.4, 100.0)	82.8% (72.5, 93.1)	41.6% (37.7, 45.5)	275 .355
CD 27	100.0% (+/-22.5)	79.1% (75.8, 82.4)	5.2% (2.6, 7.8)	246 .889
CD 28	79.5% (50.2, 100.0)	79.9% (76.5, 83.4)	3.2% (0.2, 6.2)	319 .893
	PLAN C235			
CD 15	46.2% (+/-21.2)	79.7% (+/-3.6)	6.3% (+/- 3.1)	292 .871
CD 16	100.0% (+/-35.8)	81.7% (+/-8.2)	0.0% (+/- 7.4)	168 .778
CD 20	83.5% (+/-22.2)	81.1% (+/-3.9)	16.5% (+/-3.5)	230 .862
CD 23	100.0% (+/-16.0)	89.8% (+/- 3.7)	1.1% (+/- 2.8)	302 .857

CD 28	100.0% (+/-11.2)	81.5% (+/- 3.7)	4.8% (+/- 3.2)	254 .876
CD 34	49.6% (+/-25.6)	80.2 (+/- 5.2)	0.0% (+/- 5.2)	242 .830
CD 35	100.0% (+/-13.4)	86.1% (+/-7.3)	20.6% (+/-5.0)	219 .644

Note: Party Support is Average of Democratic Share of Two-Party Vote for President 2008, U.S. Senator 2008, Governor 2010, Attorney General 2010, President 2012, and U.S. Senator 2012.

Table 8. RACIAL VOTING PATTERNS IN U.S. HOUSE (ENDOGENOUS) ELECTIONS IN MINORITY OPPORTUNITY DISTRICTS

Ecological Regression Estimates of the Percent of the 2-Party Vote Won by Democratic Candidates Among Whites, Hispanics, and Blacks in CDs in South and Southwest Texas under Plan C100 (Estimate and confidence interval (in parentheses))

	2008			2010		
District	White	Hispanic	Black	White	Hispanic	Black
CD 15	16.4% (13.0, 19.8)	83.0% (78.7, 87.3	71.5% (44.1, 98.9)	0.0% (0.0, 4.6)	77.4% (71.6, 83.2)	34.1% (0.0, 72.0)
CD 16	*	*	*	0.0% (0.0, 5.6)	79.4% (75.8, 86.0)	54.4% (21.0, 87.7)
CD 20	30.5% (27.0, 34.0)	89.7% (85.3, 94.1)	84.7% (74.4, 95.0)	8.5% (3.4, 13.6)	86.8% (80.3, 92.3)	69.0% (53.4, 84.6)

CD 23	10.4% (8.6, 12.2)	88.5% (86.8, 90.2)	85.5% (79.8, 100.0)	1.4% (0.0, 3.6)	82.2% (78.9, 85.5)	72.1% (52.0, 92.2)
CD 25	53.1% (50.2. 56.0)	92.9% (83.6, 100.0)	100.0% (80.4, 100.0)	37.4% (33.3, 41.5)	84.6% (70.8, 98.4)	100.0% (70.2, 100.0)
CD 27	14.0% (11.9, 16.1)	83.6% (80.8, 86.4)	100.0% (76.8, 100.)	1.7% (0.0, 4.4)	79.1% (75.3, 82.9)	99.4% (65.1, 100.0)
CD 28	27.6% (25.3, 29.9)	91.5% (88.8, 93.8)	35.3% (11.7, 57.9)	0.0% (0.0, 2.8)	87.8% (84.3, 91.2)	71.0% (42.2, 100.0)
* No Republican Candidate.						

Table 9. RACIAL VOTING PATTERNS IN U.S. HOUSE (ENDOGENOUS) ELECTIONS UNDER THE INTERIM MAP (Plan C235)

Ecological Regression Estimates of the Percent of the 2-Party Vote Won by Democratic Candidates Among Whites, Hispanics, and Blacks in CDs in South and Southwest Texas under Interim Map (Plan C235)
(Estimate and confidence interval (in parentheses))

	2012 U.S. House Election		
CD	White	Hispanic	Black
15	0.0% (0.0, 2.6)	86.6% (83.4, 89.8)	100.0% (77.8, 100.0)
16	25.9% (21.0, 30.7)	77.8% (72.2, 83.4)	66.1% (39.7, 92.5)

20	22.1% (19.5, 24.7)	89.1% (85.9, 92.3	70.7% (52.1, 89.3)
23	5.8% (3.6, 8.0)	81.8% (78.4, 85.1)	100.0% (83.5, 100.0)
28	8.6% (6.4, 10.8)	92.7% (89.9, 93.5)	100.0% (91.8, 100.0)
34	0.0% (0.0 3.7)	84.1% (79.6, 88.6)	40.0% (10.0, 70.0)
35	19.6% (14.6, 23.6)	91.7% (83.8, 98.7)	100.0% (85.6, 100.0)

Table 10. Percent of Two-Party Vote for Minority Preferred Candidates Under Plan C235

	President 2012	US Senate 2012	US House 2012	Average 2008-2012*
CD15	58.0%	56.1%	62.3%	56.3%
CD16	65.0%	61.7%	66.5%	63.3%
CD20	59.8%	59.4%	65.6%	58.0%
CD23	48.6%	46.7%	52.5%	47.6%
CD28	60.9%	56.9%	69.5%	58.3%
CD34	61.3%	57.0%	63.1%	58.6%
CD35	64.5%	64.2%	66.6%	62.6%

*Average Percent of Two-Party Vote for Minority Preferred Candidates for President 2008 and 2012, U.S. Senate 2008 and 2012, Governor 2010, and Attorney General 2010. Weighted by Turnout.

Table 10a. Percent of Two-Party Vote for Minority Preferred Candidates Under Plan C220			
Congressional District	President 2012	US Senate 2012	Average 2008-2012*
CD15	63.4%	60.9%	61.4%
CD16	67.5%	63.9%	65.6%
CD20	61.0%	60.8%	58.8%
CD23	51.0%	49.2%	49.6%
CD27	60.5%	56.4%	57.4%
CD28	61.2%	57.0%	58.8%
CD35	54.3%	54.3%	53.7%
*Average Percent of Two-Party Vote for Minority Preferred Candidates for President 2008 and 2012, U.S. Senate 2008 and 2012, Governor 2010, and Attorney General 2010. Weighted by turnout.			

Table 11. Ecological Regression Estimates of Vote For Lloyd Doggett in Contested Congressional Primaries		
	2004 U.S. House Primary	2012 U.S. House Primary
White	97.1% (93.7, 100.0)	90.9% (88.7, 93.0)
Black	79.6% (70.0, 89.2)	99.0% (85.8, 100.0)
Hispanic	66.7% (59.7, 73.7)	91.3% (83.7, 97.9)
Number of VTDs R-Square	85 .525	68 .025

Table 12. Correlations between Racial and Partisan Variables and Whether a Voting Tabulation District in Travis County is included in a Given CD under Plan C235						
		Into CD 35	Into CD 25	Into CD 21	Into CD 17	Into CD 10
RACIAL VARIABLES	% Anglo VAP	-.604**	+.340**	+.205**	-.064	+.082
	% Hispanic VAP	+.730**	-.377**	-.123	-.099	-.111
	% Black VAP	+.166**	-.046	-.244**	+.187**	-.026

PARTY VARIABLES	% Dem for President 2008	+.366**	-.220**	+.083	-.115	-.108
	% Dem for Governor 2010	+.346**	-.201**	+.093	-.154*	-.088
	% Dem for President 2012	+.398**	-.271**	+.057	-.080	-.090
	Average% Democrat 2008-2012	+.374**	-.229**	+.076	-.119	-.098

Note: Correlations are across Voting Tabulation Districts, weighted by total Voting Age Population in each VTD. Average % Democrat uses President, Senate, and Governor vote shares for 2008, 2010, and 201

*Statistically different from 0 at $p<.05$. Threshold: r = +/- .127

**Statistically different from 0 at $p<.01$. Threshold: r = + /- .165
N = 237

Table 13. Correlations between Racial and Partisan Variables and Whether a Voting Tabulation District in CD 25 under Plan C100 within Travis County is included in a Given CD under Plan C235

		Into CD 35	Into CD 25	Into CD 21	Into CD 10
RACIAL VARIABLES	% Anglo VAP	-.682**	+.283**	+.411**	+.035
	% Hispanic VAP	+.782**	-.477**	-.326**	-.050
	% Black VAP	+.139	+.202*	-.325**	-.008
PARTY VARIABLES	% Dem for President 2008	+.241*	-.180	-.112	+.117
	% Dem for Governor 2010	+.206*	-.158	-.119	+.154
	% Dem for President 2012	+.303**	-.203*	-.158	+.111
	Average % Democrat 2008-2012	+.250**	-.178	-.135	+.131

Note: Correlations are across Voting Tabulation Districts, weighted by total Voting Age Population in each VTD. Party Variables are percentages of the 2-Party Vote for each office. Racial Variables are White Only, Black Non-Hispanic, and Hispanic VAP. Average% Democrat uses President, Senate, and Governor vote shares for 2008, 2010, and 201

*Statistically different from 0 at $p<.05$. Threshold: r = +/- .187

**Statistically different from 0 at $p<.01$. Threshold: r = + /- .243

N = 106

Table 14. Correlations between Racial and Partisan Variables and Whether a Voting Tabulation District in CD 25 under Plan C100 is included in a Given CD under Plan C235

	Into CD 10	Into CD 21	Into CD 25	Into CD 27	Into CD 34	Into CD 35
% Anglo VAP	+.191**	+.256**	+.259**	+.108	-.012	-.646**
% Hispanic VAP	-.216**	-.221**	-.404**	-.077	+.046	+.729**
% Black VAP	+0.034	-.238*	+.128	-.030	-.046	+.115*
Average % Democrat 2008-2012	-.285**	+.130*	+.009	-.382**	-.115*	+.314**

Note: Correlations are across Voting Tabulation Districts, weighted by total Voting Age Population in each VTD. Party Variables are percentages of the 2-Party Vote for each office. Racial Variables are White Only, Black Non-Hispanic, and Hispanic VAP. Average% Democrat uses President, Senate, and Governor vote shares for 2008, 2010, and 201

*Statistically different from 0 at $p<.05$. Threshold: r = + /- .10

**Statistically different from 0 at $p<.01$. Threshold: r = +/- .15 N = 275